

FEDERAL BUREAU OF INVESTIGATION
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PRESS RELEASE

December 4, 1992

**COMPUTER HACKER CHARGED WITH
THEFT OF NATIONAL SECURITY
MATERIALS**

United States Attorney JOHN A. MENDEZ today announced the indictment of KEVIN L. POULSEN for theft of National Defense information, an Air Force Tasking Order which was classified "Secret", in violation of Title 18, United States Code, Section 793(e).

POULSEN, 27, was apprehended on April 11, 1991, after seventeen months as a fugitive from justice. He has been held without bail for nearly 21 months since his apprehension.

The fourteen-count superseding indictment returned by a Federal Grand Jury in San Francisco, alleges that POULSEN and co-defendant MARK K. LOTTOR, also 27, of Menlo Park, California, repeatedly burglarized the offices of Pacific Bell Telephone Company and stole various proprietary and technical manuals, telecommunications equipment, and access codes to Pacific Bell computers which enabled them to eavesdrop on unsuspecting individuals and to manipulate the telephone system in various ways, including providing themselves with special calling

features without paying for them. Among the individuals whom Poulsen allegedly wiretapped are two Pacific Bell Telephone employees who were investigating him. The superseding indictment further alleges that POULSEN used sophisticated burglars tools, including latex surgical gloves, powdered graphite and a plug spinner, to break into Pacific Bell offices. It also alleges that on one occasion, POULSEN unlawfully entered a Pacific Bell office using a stolen Pacific Bell employee identification card.

A third individual who was charged in the initial indictment, Robert E. Gilligan, is named as an unindicted coconspirator. Gilligan previously pled guilty to Conspiracy in violation of Title 18, United States Code, Section 371, a felony. In return for his promise to cooperate fully with the government and to pay restitution to Pacific Bell Telephone Company in the amount of \$25,000.00, Gilligan received a sentence of three years probation.

Each of the fourteen charged offenses carry penalties of up to five years imprisonment and a fine of \$250,000.00. Three of the charges against POULSEN carry penalties of up to ten years imprisonment and fines of \$250,000.00 per count. Under the Federal Sentencing Guidelines, the offense of Gathering National Defense Information in violation of Title 18, United States Code, Section 793(e), by itself carries a sentence of 97-121 months imprisonment.

Mr. MENDEZ praised the long-term investigation conducted by the F.B.I. San Francisco and Los Angeles Divisions, and the cooperation provided by Pacific Bell Telephone Company.

This case is being prosecuted by Assistant United States Attorney Robert K. Crowe. For more information, contact Mr. Mendez (415) 556-2308, or Mr. Crowe (415) 556-4229.

1 JOHN A. MENDEZ
2 United States Attorney
3 Attorney for Plaintiff

ORIGINAL
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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,) NO. CR 89-20123 RMW
9 Plaintiff,) VIOLATION: 18 U.S.C. § 371--
10) CONSPIRACY; 18 U.S.C. §
11) 1029(a)(3)--FRAUD AND RELATED
12) ACTIVITY IN CONNECTION WITH
13) ACCESS DEVICES; 18 U.S.C. §
14) 1029(B)(2)--CONSPIRACY TO
15) POSSESS FIFTEEN OR MORE
16) COUNTERFEIT, STOLEN OR
17) UNAUTHORIZED ACCESS DEVICES; 18
18) U.S.C. § 1342--USING FICTITIOUS
19) NAME IN CONNECTION WITH THE
20) MAILED; 18 U.S.C. § 2512--
21) POSSESSION OF ORAL, OR
22) ELECTRONIC COMMUNICATION
23) INTERCEPTING DEVICE; 18 U.S.C. §
24) 1029(a)(2)-- FRAUD AND RELATED
25) ACTIVITY IN CONNECTION WITH
26) ACCESS DEVICES; 42 U.S.C. §
27) 408(g)(2)--FRAUDULENT USE OF A
28) SOCIAL SECURITY NUMBER; 18
29) U.S.C. § 2511(1)(b)--UNLAWFUL
30) INTERCEPTION OF WIRE, ORAL, OR
31) ELECTRONIC COMMUNICATIONS; 18
32) U.S.C. § 793(e)--GATHERING OF
33) DEFENSE INFORMATION.

34 S U P E R S E D I N G I N D I C T M E N T

35 COUNT ONE: (18 U.S.C. § 371--CONSPIRACY)

36 The Grand Jury charges that:

37 Beginning on or about June 12, 1985, and continuing
38 thereafter until on or about April 29, 1988, in the County of

39 S U P E R S E D I N G
40 I N D I C T M E N T

1 Santa Clara, and elsewhere within the State and Northern District
2 of California,

3 KEVIN L. POULSEN, and
4 MARK K. LOTTOR,

5 defendants herein, did unlawfully, willfully and knowingly
6 conspire, combine, confederate, and agree among themselves and
7 with Robert E. Gilligan to obtain unlawful access to
8 electronically stored confidential information from Pacific Bell
9 Telephone Company computers, to convert Pacific Bell Telephone
10 Company services to their personal use without paying for them,
11 to possess devices knowing that the design of which made them
12 primarily useful for intercepting wire, oral, or electronic
13 communication, and to intercept oral and wire communications;

14 All in violation of Title 18, United States Code,
15 Sections 1029, 2511, and 2512.

16 DEFINITIONS

17 As used throughout this Indictment the following terms
18 will have the meanings prescribed below:

19 1. The term "access device" means any card, plate, code,
20 account number, or other means of account access that can be
21 used, alone or in conjunction with another access device, to
22 obtain money, goods, services, or any other thing of value, or
23 that can be used to initiate a transfer of funds;

24 2. The term "counterfeit access device" means any access
25 device that is counterfeit, fictitious, altered, or forged, or an
identifiable component of an access device or a counterfeit
access device;

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1 3. The term "unauthorized access device" means any
2 access device that is lost, stolen, expired, revoked, cancelled,
3 or obtained with intent to defraud;

4 4. The term "traffic" means transfer, or otherwise
5 dispose of, to another, or obtain control of with intent to
6 transfer or dispose of;

7 5. The term "computer" means an electronic, magnetic,
8 optical, electrochemical, or other high speed data processing
9 device performing logical, arithmetic, or storage functions, and
10 includes any data storage facility or communications facility
11 directly related to or operating in conjunction with such device.

12 MEANS AND METHODS OF CONSPIRACY

13 Among the means and methods whereby the defendants carried
14 out the objectives of the conspiracy were the following:

15 a. It was part of the conspiracy that defendant KEVIN L.
16 POULSEN would burglarize Pacific Bell Telephone offices in order
17 to obtain telephone communications equipment, access codes and
18 confidential information which enabled defendants KEVIN POULSEN,
19 and MARK K. LOTTOR unlawfully to access Pacific Bell Telephone
20 computers, to intercept wire and oral communications and to gain
21 unlawful access to stored communications.

22 b. It was further part of the conspiracy that defendant
23 KEVIN L. POULSEN would manufacture false identification badges of
24 Pacific Bell Telephone Company in order to gain entry into
25 Pacific Bell Telephone Company facilities under false pretenses
26 in order to obtain access to confidential and proprietary

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1 | information.

2 c. It was further part of the conspiracy that defendant
3 KEVIN L. POULSEN would intercept oral and electronic
4 communications between certain Pacific Bell Telephone employees
5 in order to obstruct the Pacific Bell Telephone Company's
6 investigation into defendants' intrusions into the Pacific Bell
7 Telephone system.

8 d. It was further part of the conspiracy that KEVIN L
9 POULSEN and Robert E. Gilligan would traffic in unlawfully
10 obtained access codes in order to permit them unlawfully to
11 access Pacific Bell computers.

OVERT ACTS

13 In furtherance of the conspiracy and to achieve the purposes
14 thereof, the defendants and co-conspirators committed, among
15 others, the following overt acts:

16 1. It was part of the conspiracy that defendant KEVIN L.
17 POULSEN obtained burglars tools, including lock picks, a plug
18 spinner, blank keys, powdered graphite and latex surgical gloves
19 and used these items to unlawfully enter Pacific Bell Telephone
20 Company offices and a telecommunications trailer and remove
21 telecommunications equipment, access codes, identification badges
22 and other items as follows:

23 a. On or about November 21, 1986, KEVIN L. POULSEN
24 unlawfully entered Pacific Bell Telephone Company's office in San
25 Ramon Valley, Contra Costa County, and removed a Pacific Bell
26 "Dial Security Access Manual".

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1 b. On or about February 15, 1987, KEVIN L. POULSEN
2 unlawfully entered Pacific Bell Telephone Company's office at 140
3 New Montgomery Street, San Francisco County, California, and
4 removed Pacific Bell Telephone Company identification badges.

5 c. On or about February 15, 1987, defendant KEVIN L.
6 POULSEN unlawfully obtained access to Pacific Bell Telephone
7 Company's central office at 140 New Montgomery Street, San
8 Francisco County, California, by displaying a Pacific Bell
9 Telephone Company identification badge bearing the name of G.S.
10 Holt and falsely representing himself to be G.S. Holt.

11 d. On or about February 20, 1987, defendant KEVIN L.
12 POULSEN and Robert E. Gilligan obtained a Pacific Bell Telephone
13 credit card under the false name of John Billings and began
14 charging calls to that account.

15 e. On or about April 28, 1987, defendant KEVIN L.
16 POULSEN rented a storage locker at the Menlo/Atherton Storage
17 Facility under an alias in order to store stolen
18 telecommunications equipment, access codes, false identification
19 documents, and technical manuals containing information
20 proprietary to Pacific Bell.

21 f. On or about and between July and August, 1987,
22 defendants KEVIN L. POULSEN and MARK K. LOTTOR unlawfully entered
23 a GTE telecommunications trailer and unlawfully intercepted oral
24 and wire communications.

25 2. On or about and between April 17, 1987 and March 24
26 1988, defendants KEVIN L. POULSEN and MARK K. LOTTOR created and

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1 maintained in a common area within their residence at 1055 Pine
2 Street, Apt. 5, Menlo Park, California, a "Switching Room" which
3 contained telecommunications panels, terminals, monitors, trunk
4 test equipment, access codes and other items, and used said
5 equipment to obtain unlawful access to Pacific Bell Telephone
6 computers.

7 3. Between approximately May 5, 1987, and April 29,
8 1988, defendants KEVIN L. POULSEN and Robert E. Gilligan each
9 possessed Pacific Bell Telephone Credit Cards in the fictitious
10 name of Jon Osterman and charged telephone calls to that account.

11 4. During September, 1987, KEVIN L. POULSEN unlawfully
12 accessed Pacific Bell Telephone computers to obtain unpublished
13 telephone numbers for the Soviet Consulate in San Francisco,
14 California.

15 5. On or about November 2, 1987, defendants Robert E.
16 Gilligan and KEVIN L. POULSEN trafficked in and transferred via
17 electronic mail Pacific Bell Telephone access codes.

18 6. During February, 1988, in the County of San Mateo,
19 defendant KEVIN L. POULSEN and MARK K. LOTTOR knowingly possessed
20 an original Pacific Bell "Telephone Test Code Number Directory"
21 and Robert E. Gilligan knowingly possessed a duplicate of the
22 same "Telephone Test Code Number Directory", which Directory had
23 been unlawfully removed from Pacific Bell Telephone's Central
24 Office at 345 Hamilton Street, Santa Clara County, and which
25 contained confidential Pacific Bell access codes and proprietary
26 information;

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1 All in violation of Title 18, United States Code, Section
2 371.

3 COUNT TWO: (18 U.S.C. § 1029(a)(3)--FRAUD AND RELATED
4 ACTIVITY IN CONNECTION WITH ACCESS DEVICES)

5 The Grand Jury further charges that:

6 Between approximately June 12, 1985 and April 29, 1988,
7 in the Counties of San Mateo, Santa Clara and San Francisco,
8 State and Northern District of California,

9 KEVIN L. POULSEN, and
MARK K. LOTTOR,

10 defendants herein, and Robert Gilligan, knowingly and with intent
11 to defraud, possessed fifteen (15) or more counterfeit and stolen
12 access devices, which conduct affected interstate commerce;

13 In violation of Title 18, United States Code, Section
14 1029(a)(3).

15 COUNT THREE: (18 U.S.C. § 1029(b)(2)--CONSPIRACY TO POSSESS
16 FIFTEEN OR MORE COUNTERFEIT, UNAUTHORIZED AND
STOLEN ACCESS DEVICES)

17 The Grand Jury further charges that:

18 Between approximately June 12, 1985, and April 29, 1988,
19 in the Counties of San Mateo, Santa Clara and San Francisco,
20 State and Northern District of California,

21 KEVIN L. POULSEN, and
MARK K. LOTTOR,

22 defendants herein, and Robert Gilligan, knowingly and with intent
23 to defraud, conspired to possess fifteen (15) or more
24 counterfeit, unauthorized and stolen access devices, which
25 conduct affected interstate commerce; and in furtherance of this
26 conspiracy defendant POULSEN committed the following overt acts:

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1 he burglarized Pacific Bell Telephone Company facilities and
2 stole Pacific Bell Telephone company proprietary manuals
3 containing passwords and instructions to access the COSMOS, SWORD
4 and LMOS systems, used unauthorized access devices to add special
5 telephone features to his residential telephone service without
6 paying for those features, and obtained Pacific Bell Telephone
7 Company telephone credit cards in false names in order to defraud
8 Pacific Bell Telephone Company;

9 In violation of Title 18, United States Code, Section
10 1029(a)(3).

11 COUNT FOUR: (18 U.S.C. § 2512--POSSESSION OF WIRE, ORAL, OR
12 ELECTRONIC COMMUNICATION INTERCEPTING DEVICE)

13 The Grand Jury further charges that:

14 Between approximately January 1, 1987 and February 24,
15 1988, in the Counties of San Mateo and Santa Clara, State and
16 Northern District of California,

17 KEVIN L. POULSEN and,
MARK L. LOTTOR,

18 the defendants herein, intentionally possessed an electronic
19 device, namely, a telephone technicians' hand dial test set,
20 knowing or having reason to know that the design of such device
21 renders it primarily useful for the purpose of the surreptitious
22 interception of wire, oral, and electronic communications, and
23 that such device or any component thereof has been or will be
24 sent through the mail or transported in interstate or foreign
25 commerce;

26

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1 In violation of Title 18, United States Code, Section
2 2512.

3 **COUNT FIVE:** (18 U.S.C. § 1029(a)(2)--FRAUD AND RELATED ACTIVITY
4 IN CONNECTION WITH ACCESS DEVICES)

5 The Grand Jury further charges that:

6 Between approximately May 5, 1987, and April 29, 1988, in
7 the Counties of San Mateo, Santa Clara and San Francisco, State
8 and Northern District of California,

9 KEVIN L. POULSEN,

10 the defendant herein, and Robert E. Gilligan, knowingly and with
11 intent to defraud, transferred or otherwise disposed of, to
12 another, and obtained control of with intent to transfer or
13 dispose of, and used one or more unauthorized access devices
14 during any one-year period, with such access devices being
15 Pacific Bell Telephone credit cards in the names of Jon Osterman,
16 Walter Kovacs and John Billings and by such conduct obtained
17 telephone services of Pacific Bell Telephone Company aggregating
18 \$1,000 or more during that period, which conduct affected
19 interstate commerce;

20 In violation of Title 18, United States Code, Section
21 1029(a)(2).

22 **COUNT SIX:** (42 U.S.C. § 408(g)(2)--FRAUDULENT USE OF A SOCIAL
23 SECURITY NUMBER)

24 The Grand Jury further charges that:

25 On or about May 5, 1987, in the County of Santa Clara,
26 State and Northern District of California,

27 KEVIN L. POULSEN,

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1 the defendant herein, for the purpose of obtaining telephone
2 service from Pacific Bell Telephone under a false name with
3 intent to deceive and defraud, falsely represented his social
4 security account number to be 556-24-2138;

5 In violation of Title 42, United States Code, Section
6 408(g)(2).

7 COUNT SEVEN: (18 U.S.C. § 1342--USING FICTITIOUS NAME IN
8 CONNECTION WITH THE MAILS)

9 The Grand Jury further charges that:

10 On or about May 5, 1987, in the County of San Mateo,
11 State and Northern District of California,

12 KEVIN L. POULSEN,

13 the defendant herein, for the purpose of conducting an unlawful
14 business, namely, to defraud Pacific Bell Telephone Company,
15 used and assumed, and requested to be addressed by a fictitious,
16 false and assumed name other than his own proper name, and
17 received from any post office or authorized depository of mail
18 matter, some mail matter addressed to such fictitious, false and
19 assumed name other than his own proper name, specifically, KEVIN
20 L. POULSEN assumed, used and requested to be addressed as and to
21 receive mail in the name of Jon Osterman;

22 In violation of Title 18, United States Code, Section
23 1342.

24 COUNT EIGHT: (18 U.S.C. § 2511(1)(b)--UNLAWFUL INTERCEPTION OF
25 WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS)

26 The Grand Jury further charges that:

27 In or about July and August, 1987, and continuing through

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1 February 24, 1988, in the County of San Mateo, State and Northern
2 District of California,

3 KEVIN L. POULSEN and,
4 MARK K. LOTTOR,

5 the defendants herein, each intentionally used and endeavored to
6 use an electronic, mechanical, or other device to intercept any
7 oral communication, specifically, telephone test handsets, when
8 such telephone test handsets were affixed to or otherwise
9 transmitted a signal through a wire cable or other connection
10 used in wire communication, and when they had reason to know that
11 such telephone test handsets or any component thereof had been
12 sent through the mail or transported in interstate or foreign
13 commerce, and obtained and attempted to obtain information
14 relating to the operations of any business or other commercial
15 establishment, the operations of which affect interstate
16 commerce;

17 In violation of Title 18, United States Code, Section
18 2511(1)(b).

19 **COUNT NINE:** (18 U.S.C. § 2511(1)(a)--UNLAWFUL INTERCEPTION OF
20 WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS)

21 The Grand Jury further charges that:

22 During September 1987, in the Counties of San Mateo and
23 Santa Clara, State and Northern District of California,

24 KEVIN L. POULSEN,

25 the defendant herein, intentionally intercepted and endeavored to
26 intercept a wire, oral, and electronic communication,
specifically, conversations between Pacific Bell security

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1 employees Gerri Lyons and Bill Hewins;

2 In violation of Title 18, United States Code, Section
3 2511(1)(a).

4 COUNT TEN: (42 U.S.C. § 408(g)(2)--FRAUDULENT USE OF A SOCIAL
5 SECURITY NUMBER)

6 The Grand Jury further charges that:

7 On or about October 22, 1987, in the County of Santa
8 Clara, State and Northern District of California,

9 KEVIN L. POULSEN,

10 the defendant herein, for the purpose of obtaining telephone
11 service from Pacific Bell Telephone Company under a false name,
12 with intent to deceive, falsely represented his social security
13 account number to be 557-28-3410;

14 In violation of Title 42, United States Code, Section
15 408(g)(2).

16 COUNT ELEVEN: (18 U.S.C. § 1342--USING FICTITIOUS NAME IN
17 CONNECTION WITH THE MAIIS)

18 The Grand Jury further charges that:

19 On or about October 22, 1987, in the County of Santa
20 Clara, State and Northern District of California,

21 KEVIN L. POULSEN,

22 the defendant herein, for the purpose of an unlawful business,
23 used and assumed and requested to be addressed by a fictitious,
24 false and assumed name other than his own proper name, and
25 received from any post office or authorized depository of mail
26 matter, some mail matter addressed to such fictitious, false and
assumed title and name other than his own proper name,

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1 specifically, the name of John Kovacs, for the purpose of
2 defrauding Pacific Bell Telephone Company;

3 In violation of Title 18, United States Code, Section
4 1342.

5 COUNT TWELVE: (18 U.S.C. § 793(e)--GATHERING OF DEFENSE
6 INFORMATION)

7 From on or about January 15, 1988, to on or about
8 February 12, 1988, in the County of Santa Clara, State and
9 Northern District of California, and elsewhere,

10 KEVIN L. POULSEN,

11 the defendant herein, having unauthorized possession of, access
12 to and control over a document and instrument relating to the
13 national defense, namely, a computer magnetic tape containing a
14 United States Air Force air tasking order classified "Secret,"
15 unlawfully, willfully and knowingly retained said document and
16 instrument and failed to deliver it to the officer and employee
17 of the United States entitled to receive it;

18 In violation of Title 18, United States Code, Section
19 793(e).

20 COUNT THIRTEEN: (18 U.S.C. § 2511(1)(a)--UNLAWFUL INTERCEPTION
21 OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS)

22 The Grand Jury further charges that:

23 Between approximately December, 1987, and January, 1988,
24 in the Counties of San Mateo and Santa Clara, State and Northern
District of California,

25 KEVIN L. POULSEN,

26 the defendant herein, intentionally intercepted and endeavored to

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1 intercept a wire, oral, and electronic communication,
2 specifically, conversations between Annette Randol (also known as
3 Ann Randell), telephone number (818) 765-2480, and Anthony
4 Constantine Frank;

5 In violation of Title 18, United States Code, Section
6 2511(1)(a).

7 COUNT FOURTEEN: (18 U.S.C. § 2511(1)(a)--UNLAWFUL INTERCEPTION
8 OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS)

9 The Grand Jury further charges that:

10 Between approximately December, 1987, and January, 1988,
11 in the Counties of San Mateo and Santa Clara, State and Northern
12 District of California,

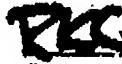
13 KEVIN L. POULSEN,
14 the defendant herein, intentionally intercepted and endeavored to
15 intercept a wire, oral, or electronic communication,
16 specifically, conversations between Sean Ondean Randol, telephone
17 number (818) 765-2480, and others;

18 In violation of 18 U.S.C. Section 2511(1)(a).

19 Dated: _____ A True Bill.

20 _____
21 FOREPERSON

22 
23 JOHN A. MENDEZ
24 United States Attorney

25 (Approved as to form: 
26 AUSA: Crowe

S U P E R S E D I N G
I N D I C T M E N T

To: Office Services Manager

Subject

Aliases

<i>Special</i>		Date <u>11/14/93</u>		
Requested		Ext. <u>3816</u>	Quan.	File No. <u>139-</u>
		Social Security Account #		
Address		Birth Date	Birth Place	Race
<input type="checkbox"/> Exact Spelling <input type="checkbox"/> All References <input type="checkbox"/> Main Security Case Files Only <input type="checkbox"/> Security References Only		<input type="checkbox"/> Main-Criminal Case Files Only <input type="checkbox"/> Criminal References Only <input type="checkbox"/> Main Security (If no Main, list all Security References) <input type="checkbox"/> Main Criminal (If no Main, list all Criminal References)		<input type="checkbox"/> Restrict Locality of _____
<input type="checkbox"/> General Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> ISIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS		
Searched by _____ Date _____		Searched by _____ Date _____		
<input type="checkbox"/> Confidential Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> OCIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS		
Searched by _____ Date _____		Searched by _____ Date _____		
<input type="checkbox"/> ELSUR Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> IIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS		
Searched by _____ Date _____		Searched by _____ Date _____		
<input checked="" type="checkbox"/> <input type="checkbox"/> NEG <input checked="" type="checkbox"/> POS <u>11/19/93</u> <input type="checkbox"/> GLOBAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		
Searched by _____ Date _____		Searched by _____ Date _____		
<input checked="" type="checkbox"/> RE <input type="checkbox"/> POS <u>11/19/93</u>				

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast

- Albany
- Bern Switzerland
- Bonn Germany
- Boston
- London England
- Mexico City Mexico
- New York City
- Newark
- Paris France
- Philadelphia
- Rome Italy
- All above

Mid-Atlantic

- Atlanta
- Baltimore
- Birmingham
- Charlotte
- Jackson
- Jacksonville
- Knoxville
- Memphis
- Miami
- Mobile
- New Orleans
- Norfolk
- Quantico
- Richmond
- San Juan
- Savannah
- Tampa
- Washington Field
- All above

Central

- Buffalo
- Chicago
- Cincinnati
- Cleveland
- Dallas
- Denver
- Detroit
- El Paso
- Houston
- Indianapolis
- Kansas City
- Little Rock
- Louisville
- Milwaukee
- Minneapolis
- Oklahoma City
- Omaha
- Pittsburgh
- San Antonio
- Springfield
- St. Louis
- All above

Western

- Albuquerque
- Anchorage
- Butte
- Honolulu
- Las Vegas
- Los Angeles
- Phoenix
- Portland
- Sacramento
- Salt Lake City
- San Diego
- San Francisco
- Seattle
- All above

File & Serial Number

Remarks

File & Serial Number

Remarks

Determine if any
to Bureau Cars

Plates belong

Search attach names

check search slip

Consolidated by

Date

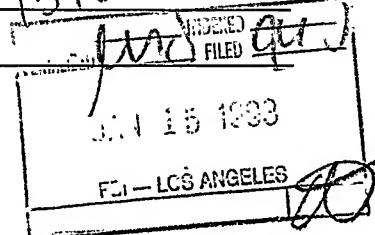
Reviewed by

Date

I - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference



1391A-127588-138

MICRO COMPUTER (Continued)

<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS
Date Base	Date Base
Searched by _____ Date _____	Searched by _____ Date _____

To: Office Services Manager

Date			
Ext.	Squad:	File No.	
3816	WCC6	139-	
Social Security Account #			

b6
b7C

Subject

Aliases

Address	Birth Date	Birth Place	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
---------	------------	-------------	------	---

<input type="checkbox"/> Exact Spelling	<input type="checkbox"/> Main Criminal Case Files Only	<input type="checkbox"/> Restrict Locality of	
<input type="checkbox"/> All References	<input type="checkbox"/> Criminal References Only		
<input type="checkbox"/> Main Security Case Files Only	<input type="checkbox"/> Main Security (If no Main, list all Security References)		
<input type="checkbox"/> Security References Only	<input type="checkbox"/> Main Criminal (If no Main, list all Criminal References)		
<input type="checkbox"/> General Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> ISIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Searched by _____	Date _____	Searched by _____	Date _____
<input type="checkbox"/> Confidential Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> OCIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Searched by _____	Date _____	Searched by _____	Date _____
<input type="checkbox"/> ELSUR Indices: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> IIS: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Searched by _____	Date _____	Searched by _____	Date _____
<input type="checkbox"/> FOIMS: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Searched by _____	Date _____	Searched by _____	Date _____
<input type="checkbox"/> GLOBAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> REGIONAL: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Searched by _____	Date _____	Searched by _____	Date _____

Place an "X" by the Field Office(s) to Query for Regional Searches.

Northeast	Mid-Atlantic	Central	Western
<input type="checkbox"/> Albany	<input type="checkbox"/> Atlanta	<input type="checkbox"/> Buffalo	<input type="checkbox"/> Albuquerque
<input type="checkbox"/> Bern Switzerland	<input type="checkbox"/> Baltimore	<input type="checkbox"/> Chicago	<input type="checkbox"/> Anchorage
<input type="checkbox"/> Bonn Germany	<input type="checkbox"/> Birmingham	<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Butte
<input type="checkbox"/> Boston	<input type="checkbox"/> Charlotte	<input type="checkbox"/> Cleveland	<input type="checkbox"/> Honolulu
<input type="checkbox"/> London England	<input type="checkbox"/> Jackson	<input type="checkbox"/> Dallas	<input type="checkbox"/> Las Vegas
<input type="checkbox"/> Mexico City Mexico	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Denver	<input type="checkbox"/> Los Angeles
<input type="checkbox"/> New York City	<input type="checkbox"/> Knoxville	<input type="checkbox"/> Detroit	<input type="checkbox"/> Phoenix
<input type="checkbox"/> Newark	<input type="checkbox"/> Memphis	<input type="checkbox"/> El Paso	<input type="checkbox"/> Portland
<input type="checkbox"/> Paris France	<input type="checkbox"/> Miami	<input type="checkbox"/> Houston	<input type="checkbox"/> Sacramento
<input type="checkbox"/> Philadelphia	<input type="checkbox"/> Mobile	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> Salt Lake City
<input type="checkbox"/> Rome Italy		<input type="checkbox"/> Kansas City	<input type="checkbox"/> San Diego
<input type="checkbox"/> All above			<input type="checkbox"/> San Francisco
			<input type="checkbox"/> Seattle
			<input type="checkbox"/> All above

File & Serial Number	Remarks	File & Serial Number	Remarks
X			
X			

b6
b7C

Consolidated by _____ Date _____

Reviewed by _____ Date _____

I - Identical
NI - Not identical

File Review Symbols

? - Not identifiable
U - Unavailable reference

MICRO COMPUTER (*Continued*)

MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date
<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS		<input type="checkbox"/> MICRO: <input type="checkbox"/> NEG <input type="checkbox"/> POS	
Date Base		Date Base	
Searched by	Date	Searched by	Date

Memorandum



To : SAC, LOS ANGELES (139C-LA-127588) (P) Date 1/21/93

From : SA [redacted] (WCC-6)

b6
b7c

Subject: JUSTIN TANNER PETERSEN
ETAL
IOC
OO: LOS ANGELES

Writer was the Special Agent Accountant assigned to the financial duties of captioned investigation. Due to the writer's reassignment from WCC-6 to WCC-1, it is recommended that this duty be reassigned to another WCC-6 Special Agent Accountant.

2 - Los Angeles

RYS/ch
(2)

139C-LA-127588-139
JMJ JWS

A handwritten signature, likely belonging to the sender or a supervisor, is located at the bottom right of the page.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/27/93

On January 19, 1993, Agent [REDACTED] Drug Enforcement Administration (DEA) was telephonically contacted concerning [REDACTED]. [REDACTED] was informed that sometime prior to June, 1991, [REDACTED] was provided Department of Motor Vehicle (DMV) information by JUSTIN PETERSEN at the EL Campadre Restaurant on Sunset Boulevard, Hollywood, California. [REDACTED] was asked if this DMV information may have compromised his case in any way and [REDACTED] stated that both [REDACTED] and an individual known as [REDACTED] were arrested in his investigation.

b6
b7C

Following their arrest [REDACTED] posted bail and he has been a fugitive since June, 1992. [REDACTED] believes that this case was not compromised since subjects [REDACTED] were arrested.

Investigation on 1/19/93 at Los Angeles, Ca. File # 139A-LA-127588-140
by SA [REDACTED]/ch Date dictated 1/26/93

b6
b7C

J
439C-LA-127558
SEO/ch

1

Pursuant to a search executed at Tarzana Self Storage on November 23, 1991 and review of computer items seized belonging to KEVIN POULSEN, it was determined that POULSEN, utilizing a Pacific Telephone (Pac Bell) Computer System, accessed, monitored and controlled a telephone line into Los Angeles radio stations, KIIS-telephone number 520-1027 and KRTH-telephone number 520-5483.

On January 26, 1993, a pretext call was made to telephone numbers 520-1027 and 520-5483. It was determined that 520-1027 was subscribed by KIIS Radio Station and 520-5483 was subscribed by KRTH Radio Station. It was also determined that both telephone numbers are currently active numbers for radio contests.

141
BAC-VA-127558

1390-LA-127588

SEO Bab

1

On February 2, 1993, [redacted] arson investigator, PASADENA FIRE DEPARTMENT, telephone number (818) 405-4040, advised Special Agent (SA) [redacted] of the following information:

[redacted] advised that he was not aware of a fire-bombing incident on a fire station under construction in the last five years and he also advised that there is no fire station on Sierra Bonita in Pasadena.

b6
b7C

1390-LA-127588-142

139C-LA-127588
SEO/Bab

1

The following investigation was conducted by Special Agent (SA) [REDACTED] on February 2, 1993:

[REDACTED] arson investigator, SOUTH PASADENA FIRE DEPARTMENT, advised that he was not aware of a fire-bombing incident on a fire station under construction in the South Pasadena area.

b6
b7c

139C-1A-127588-143

U.S. Department of Justice



Federal Bureau of Investigation

In Reply, Please Refer to
File No.

11000 Wilshire Boulevard #1700
Los Angeles, CA 90024
February 8, 1993

Ms. [redacted]

Registration Automation Development Department
Department of Motor Vehicles

Dear Ms. [redacted]

b6
b7C

In our discussion on February 4, 1993, I had mentioned that a computer hacker in an ongoing investigation of the Federal Bureau of Investigation (FBI) had accessed Department of Motor Vehicles (DMV) information on October 3, 1990, at 1:36 p.m., concerning California license 2HLX600. You indicated that your department may be able to retrieve the information concerning this particular inquiry.

It is requested that your department provide the FBI office, Los Angeles, the information concerning the DMV inquiry and possibly other DMV inquiries that may surface in this investigation. Your cooperation in this investigation is greatly appreciated.

Sincerely,

CHARLIE J. PARSONS
Special Agent in Charge

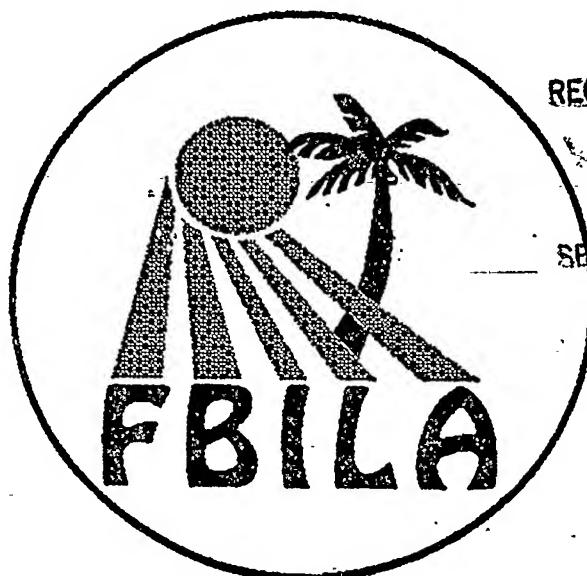
By: [redacted]

b6
b7C

Supervisory Special Agent



FEDERAL BUREAU OF INVESTIGATION
LOS ANGELES FIELD OFFICES
11000 WILSHIRE BLVD., SUITE 1700
LOS ANGELES, CA. 90024
TELEPHONE (213)477-6565 FACSIMILE (213)445-3507



FACSIMILE
REC. INT. DATE
TIME
SENT INT. DATE
TIME
2-8-93
1551P

CLASSIFICATION:
 TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

PRECEDENCE:
 IMMEDIATE
 PRIORITY
 ROUTINE

TO: DMV - Registration Automation Development
ATTENTION: _____
FAX #: (916) 657-8273
FROM: SA _____
TELEPHONE: (812) 996-3611
SUBJECT: _____
PAGES SENT (INCLUDING COVER PAGE): 2
DATE: 2/8/93
APPROVED: _____

b6
b7c

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/10/93Pursuant to a Federal Grand Jury Subpoena served on
[redacted]concerning records relating to [redacted] On February 9,
1993, [redacted]
[redacted]b3
b6
b7CInvestigation on 2/9/93 at Burbank, California File # 139C-LA-127588 -145by SA [redacted] /Bab Date dictated 2/10/93b6
b7C

Memorandum



To : SAC, LOS ANGELES (139C-LA-127588)

Date 2/16/93

From : SA [redacted] (CE-6)

Subject: JUSTIN PETERSEN;
IOC;
OO: LOS ANGELES

It is recommended that file 139C-LA-127588 EE be
closed, inasmuch as the last [redacted]
[redacted] was utilized on June 25, 1992.

b6
b7C
b7E

SEO/Bab
(2)

139C-14-127588-
(u) (u) 146

)-main file

3

139C-LA-127588

SEO Bab

1

The following investigation was conducted by Special Agent (SA) [redacted] on March 2, 1993:

b6
b7c

A CLETS search was conducted on the following aliases used by KEVIN POULSEN:

Name:	Robert Andrew Hume
Date of Birth:	October 2, 1965
Name:	Carl Douglas Morris
Date of Birth:	January 13, 1966
Name:	James Adam Klein
Date of Birth:	January 20, 1964
Name:	Andrew Joseph Turner
Date of Birth:	January 20, 1966
Name:	William Thomas Navarro
Date of Birth:	October 13, 1965
Name:	Michael Blaine Peters
Date of Birth:	September 2, 1966

The results of the search were negative.

139C-LA-127588-147

CHK

WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____
b6
b7C

(*) NAME SEARCH : DOJ X

LAST NAME FIRST ROBERT MIDDLE ANDREW

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 100265 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _ CII# _ MAIN# _ AKA _ DKG# _

VEH: LIC# _ VIN# _ SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _ ST _ TYP _ APT _ CITY _

INFO - HUME ROBERT ANDREW NO HIT

OUTPUT MSG 160, PAGE 01 OF 01, FROM CWS#

03/02/93 00:57 03 MSGS WAITING

CHK

WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA017 ACTION S ROUTE TO _____
b6
b7C

(x) NAME SEARCH : DOJ X
LAST HUME FIRST ROBERT MIDDLE ANDREW
SEX M DESC HAIR EYES HGT WGT DOB 100265 AGE
(x) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OP LIC CII# MAIN# AKA DKG#
VEH: LIC# VIN# SVS
(x) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD ST TYP APT CITY

IW

CAFBILAO0 RE: QW.CAFBILAO0.NAM/HUME,ROBERT A

NO MATCH NAM FIELD

NO WANTS

CHECKING NCIC

INQUIRY MADE TO RESTRAINING ORDER SYSTEM

***** END OF WPS MESSAGE

OUTPUT MSG 169, PAGE 01 OF 01, FROM CL1@

03/02/93 00:57 02 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____
b6
b7C

(*) NAME SEARCH : DOJ X

LAST HUME FIRST ROBERT MIDDLE ANDREW

SEX M DESC HAIR EYES HGT WGT DOB 100265 AGE

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OP LIC CII# MAIN# AKA DKG#

VCH: LIC# VIN# SVS

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD ST TYP APT CITY

IW
CAFBLA00 RE: QRR.CAFBLA00.NAM/HUME,ROBERT
NO MATCH NAM FIELD
NO RESTRAINING ORDERS
***** END OF ROS MESSAGE *****

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA017 ACTION S ROUTE TO _____

b6
b7c

(x) NAME SEARCH : DOJ X

LAST NAME FIRST ROBERT MIDDLE ANDREW

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 100265 AGE _

(x) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _ CII# _ MAIN# _ AKA _ DKG# _

VEH: LIC# _ VIN# _ SVS _

(x) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD ST TYP APT CITY _____

IJ

1L01

CAFBLA00

NO NCIC WANT DOB/100265 NAM/HUME,ROBERT ANDREW SEX/M

OUTPUT MSG 171, PAGE 01 OF 01, FROM CL1@

03/02/93 08:57 NO MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

b6
b7C

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

(*) NAME SEARCH : DOJ X

LAST MORRIS FIRST CARL MIDDLE DOUGLAS

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOD 011366 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _____ CII# _____ MAIN# _____ AKA _ BKG# _____

VEN: LIC# _____ VIN# _____ SVS _____

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _____ ST _____ TYP _____ APT _____ CITY _____

XINFOR - MORRIS CARL DOUGLAS NO HIT

OUTPUT MSG 472, PAGE 01 OF 01, FROM CWS*

03/02/93 08:50 03 MESS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA012 ACTION S ROUTE TO _____

b6
b7c

(*) NAME SEARCH : DOJ X

LAST MORRIS FIRST CARL MIDDLE DOUGLAS

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOD 011366 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC CII# MAIN# AKA _ DKG#

VEH: LIC# VIN# SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD ST TYP APT CITY

IW

CAFBLA00 RE: QU.CAFBLA00.NAM/MORRIS,CARL D

NO MATCH NAM FIELD

NO WANTS

CHECKING NCIC

INQUIRY MADE TO RESTRAINING ORDER SYSTEM

***** END OF WPS MESSAGE

OUTPUT MSG 173, PAGE 01 OF 01, FROM CL20

03/02/93 08:59 02 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____
b6
b7C

(x) NAME SEARCH : DOJ X
LAST MORRIS FIRST CARL MIDDLE DOUGLAS
SEX M DESC HAIR EYES HGT WGT DOB 011366 AGE ___
(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OP LIC CII# MAIN# AKA DKG#
VEH: LIC# VIN# SVS
(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD ST TYP APT CITY

IW
CAFBILAO0 RE: QRR,CAFBILAO0,NAM/MORRIS,CARL
NO MATCH NAM FIELD
NO RESTRAINING ORDERS
***** END OF ROS MESSAGE *****

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____
b6
b7C
(*) NAME SEARCH : DOJ X
LAST MORRIS FIRST CARL MIDDLE DOUGLAS
SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOD 011366 AGE _
(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OP LIC _ CII# _ MAIN# _ AKA _ BKG# _
VEH: LIC# _ VIN# _ SVS _
(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD _ ST _ TYP _ APT _ CITY _

IJ
1L01
CAFEILAO0
NO NCIC WANT DOD/011366 NAM/MORRIS,CARL DOUGLAS SEX/M

OUTPUT MSG 175, PAGE 01 OF 01, FROM CL2@

03/02/93 00:59 NO MSGS WAITING

CHK

WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA012 ACTION S ROUTE TO _____

b6
b7c

(*) NAME SEARCH : DOJ X

LAST KLEIN FIRST JAMES MIDDLE ADAM

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 012066 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OR LIC _ CI# _ MAIN# _ AKA _ DKG# _

VEH: LIC# _ VIN# _ SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _ ST _ TYP _ APT _ CITY _

INFO - KLEIN JAMES ADAM NO HIT

OUTPUT MSG 176, PAGE 01 OF 01, FROM CWS*

03/02/93 07:00 03 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

b6
b7C

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

(*) NAME SEARCH : DOJ X

LAST KLEIN FIRST JAMES MIDDLE ADAM

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 012066 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _ CII# _ MAIN# _ AKA _ EKG# _

VEH: LIC# _ VIN# _ SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _ ST _ TYP _ APT _ CITY _

TW

CAFBILA00 RE: QU.CAFBILA00.NAM/KLEIN,JAMES A

NO MATCH NAM FIELD

NO WANTS

CHECKING NCIC

INQUIRY MADE TO RESTRAINING ORDER SYSTEM

***** END OF WPS MESSAGE

OUTPUT MSG 177, PAGE 01 OF 01, FROM CL10

03/02/93 09:00 02 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____ b6
b7C
(*) NAME SEARCH : DOJ X
LAST: KLEIN FIRST: JAMES MIDDLE: ADAM
SEX: M DESC: HAIR: EYES: HGT: WGT: DOB: 012066 AGE:
(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OP LIC: CII#: MAIN#: AKA: BKG#:
VEH: LIC#: VIN#: SVS:
(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD: ST: TYP: APT: CITY:

IW
CAFBILAO0 RE: QRR.CAFBILAO0.NAM/KLEIN,JAMES
NO MATCH NAM FIELD
NO RESTRAINING ORDERS
***** END OF ROS MESSAGE *****

OUTPUT MSG 178, PAGE 01 OF 01, FROM CL10

03/02/93 09:01 01 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA012 ACTION S ROUTE TO _____
b6
b7C

(*) NAME SEARCH : DOJ X
LAST KLEIN FIRST JAMES MIDDLE ADAM
SEX M DESC HAIR EYES HGT WGT DOB 012066 AGE ____
(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OP LIC CII# MAIN# AKA BKG#
VEN: LIC# VIN# SVS
(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD ST TYP APT CITY _____

IJ
4L04
CAFBILAO0
NO NCIC WANT DOB/012066 NAM/KLEIN, JAMES ADAM SEX/M

OUTPUT MSG 479, PAGE 01 OF 01, FROM CL1@

03/02/93 02:04 NO MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

b6
b7c

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

(*) NAME SEARCH : DOJ X *

LAST TURNER FIRST ANDREW MIDDLE JOSEPH

SEX M DESC HAIR EYES HGT WGT DOB 012066 AGE

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC CII# MAIN# AKA BKG#

VIN: LIC# VIN# SVS

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD ST TYP APT CITY

*INFOX - TURNER ANDREW JOSEP NO HIT

OUTPUT MSG 100, PAGE 01 OF 01, FROM CWS*

03/02/23 07:06 03 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

b6
b7C

REQD BY: [REDACTED] SER 00000 CA017 ACTION S ROUTE TO _____
(*) NAME SEARCH : DOJ X
LAST TURNER FIRST ANDREW MIDDLE JOSEPH
SEX M DESC HAIR EYES HGT WGT DOB 012066 AGE ___
(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OP LIC CII# MAIN# AKA DKG#
VEH: LIC# VIN# SVS
(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD ST TYP APT CITY

IW
CAFBLA00 RE: QW.CAFBLA00.NAM/TURNER,ANDREW
NO MATCH NAM FIELD
NO WANTS
CHECKING NCIC
INQUIRY MADE TO RESTRAINING ORDER SYSTEM
***** END OF WPS MESSAGE

OUTPUT MSG 101, PAGE 01 OF 01, FROM CL28

03/02/23 09:06 02 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SCR 00000 CA019 ACTION S ROUTE TO _____

b6
b7C

(*) NAME SEARCH : DOJ X

LAST TURNER FIRST ANDREW MIDDLE JOSEPH

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 012066 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _ CIIP# _ MAIN# _ AKA _ DKG# _

VEH: LIC# _ VIN# _ SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _ ST _ TYP _ APT _ CITY _

IW
CAFBLA00 RE: QRR.CAFBLA00.NAM/TURNER, ANDRE
NO MATCH NAM FIELD
NO RESTRAINING ORDERS
***** END OF ROS MESSAGE *****

OUTPUT MSG 102, PAGE 01 OF 01, FROM CL2@

03/02/93 02:06 01 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SCR 00000 CA012 ACTION S ROUTE TO _____

b6
b7c

(x) NAME SEARCH : DOJ X

LAST TURNER FIRST ANDREW MIDDLE JOSEPH

SEX M DESC HAIR EYES HGT WGT DOB 012066 AGE

(x) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC CII# MAIN# AKA DKG#

VEH: LIC# VIN# SVS

(x) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD ST TYP APT CITY

IJ

1L01

CAF01LA00

NO NCIC WANT DOB/012066 NAM/TURNER,ANDREW JOSEPH SEX/M

OUTPUT MSG 103, PAGE 01 OF 01, FROM CL2@

03/02/23 02:07 NO MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

b6
b7C

(*) NAME SEARCH : DOJ X

LAST NAVARRO FIRST WILLIAM MIDDLE THOMAS

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 101365 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _____ CII# _____ MAIN# _____ AKA _ DKG# _____

VEH: LIC# _____ VIN# _____ SVS _____

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _____ ST _____ TYP _ APT _____ CITY _____

S*ORNELLAS*00000*CATBILA00**NAVARRO*WILLIAM*THOMAS*M****000*000*101365*000*****
00000000*00000000*****

WARRANT SUMMARY HITS: 001 FEL: 001 MIS: 000 OTH: 000 IZD: EXON: 00

N NAVARRO WILLIAM	M II 110665 507 140 BLK BRO LA 3 042992	NO BAIL
137 RIVERA ST LA CA	WARR# LADA03295204	OLN 04562271 CA
REC TYPE W WARR LVL F	11351.5/HS	F 12025(B)/VC
VLN		F *

OUTPUT MSG 104, PAGE 01 OF 01, FROM CWS*

03/02/93 09:07 03 MSGS WAITING

Not valid

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

b6
b7c

(*) NAME SEARCH : DOJ X

LAST NAVARRO FIRST WILLIAM MIDDLE THOMAS

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 101365 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OF LIC _____ CII# _____ MAIN# _____ AKA _ EKG# _____

VEH: LIC# _____ VIN# _____ SVS _____

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _____ ST _____ TYP _ APT _____ CITY _____

IW
CAFIBILAOO RE: QW.CAFIBILAOO.NAM/NAVARRO,WILLIAM
MATCH MADE ON NAM/NAVARRO,WILLIAM THOMAS
NAME FIELD SEARCH REVEALS:

HIT # 001

HIT MADE ON NAM/NAVARRO,WILLIAM

ORI/CA0190000 FON/2329212601042

NAM/NAVARRO,WILLIAM 110665 M H 507 140 BLK DRO

DOW/042292 WAR/LABA03295201 OFF/3599 DANGEROUS DRUG FEL ENT/1

BAIL/NO BAIL

OLN/C4562291.CA

OUTPUT MSG 105, PAGE 01 OF 02, FROM CL10

03/02/93 09:07 02 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____ b6
b7C
(*) NAME SEARCH : DOJ X
LAST NAVARRO FIRST WILLIAM MIDDLE THOMAS
SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 101365 AGE _
(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OF LIC _____ CII# _____ MAIN# _____ AKA _ DKG# _____
VCH: LIC# _____ VIN# _____ SVS _____
(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD _____ ST _____ TYP _ APT _____ CITY _____

SUBJECT MAY BE SAME AS CII/A09691011
IMMEDIATELY CONFIRM WITH CA0120000 LOS ANGELES CO SD MNE/WRL

TELEPHONE 213 974 4651

CHECKING NCIC

INQUIRY MADE TO RESTRAINING ORDER SYSTEM

***** END OF WPS MESSAGE

OUTPUT MSG 405, PAGE 02 OF 02, FROM CL10

03/02/93 07:00 02 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____
(* NAME SEARCHES : DOJ X
LAST NAVARRO FIRST WILLIAM MIDDLE THOMAS
SEX M DESC _ HAIR ___ EYES ___ HGT ___ WGT ___ DOD 101365 AGE ___
(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
OP LIC _____ CII# _____ MAIN# _____ AKA _ DKG# _____
VEH: LIC# _____ VIN# _____ SVS _____
(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):
ADD _____ ST _____ TYP _____ APT _____ CITY _____

b6
b7c

IW
CAFDBILAOO RE: QRR.CAFDBILAOO.NAM/NAVARRO,WILL
NO MATCH NAM FIELD
NO RESTRAINING ORDERS
***** END OF ROS MESSAGE *****

OUTPUT MSG 186, PAGE 01 OF 01, FROM CL10

03/02/93 09:08 01 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA012 ACTION S ROUTE TO _____

b6
b7c

(*) NAME SEARCH : DOJ X

LAST NAVARRO FIRST WILLIAM MIDDLE THOMAS

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOD 101365 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _____ CII# _____ MAIN# _____ AKA _ SKG# _____

VEN: LIC# _____ VIN# _____ SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _____ ST _____ TYP _ APT _____ CITY _____

IJ

1L01

CAFEBILAO0

NO NCIC WANT DOD/101365 NAM/NAVARRO,WILLIAM THOMAS SEX/M

OUTPUT MSG 107, PAGE 01 OF 01, FROM CL10

03/02/93 02:09 NO MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

b6
b7c

(*) NAME SEARCH : DOJ X

LAST PETERS FIRST MICHAEL MIDDLE BLAINE

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 090266 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC CII# MAIN# AKA _ BKG#

VEH: LIC# VIN# SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD ST TYP _ APT CITY

INFO - PETERS MICHAEL BLAI NO HIT

OUTPUT MSG 107, PAGE 01 OF 01, FROM CWS#

03/02/93 09:11 03 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CUK

b6
b7C

REQD BY: [REDACTED] SER 00000 CA012 ACTION S ROUTE TO _____

(*) NAME SEARCH : DOJ X

LAST PETERS FIRST MICHAEL MIDDLE BLAINE

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 090246 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC CII# MAIN# AKA _ DKG#

VEH: LIC# VIN# SVS

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD ST TYP APT CITY

INFO -- PETERS MICHAEL BLAI NO HIT

OUTPUT MSG 109, PAGE 01 OF 01, FROM CWS#

03/02/73 09:11 03 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

b6
b7c

(*) NAME SEARCH : DOJ X

LAST PETERS FIRST MICHAEL MIDDLE BLAINE

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 090264 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _ CII# _ MAIN# _ AKA _ DKG# _

VEH: LIC# _ VIN# _ SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _ ST _ TYP _ APT _ CITY _

IW
CAFIBILA00 RE: QW.CAFIBILA00.NAM/PETERS,MICHAEL
NO MATCH NAM FIELD
NO WANTS
CHECKING NCIC
INQUIRY MADE TO RESTRAINING ORDER SYSTEM
***** END OF WPS MESSAGE

OUTPUT MSG 120, PAGE 01 OF 01, FROM CL20

03/02/93 09:16 02 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

b6
b7C

(*) NAME SEARCH : DOJ X

LAST PETERS FIRST MICHAEL MIDDLE BLAINE

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 090266 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC CII# MAIN# AKA _ DKG#

VEH: LIC# VIN# SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD ST TYP APT CITY

IW

CAFBLA00 RE: QRR.CAFBLA00.NAM/PETERS,MICHA

NO MATCH NAM FIELD

NO RESTRAINING ORDERS

***** END OF ROS MESSAGE *****

OUTPUT MSG 191, PAGE 01 OF 01, FROM CL1@

03/02/93 09:17 01 MSGS WAITING

CHK WANT/WARRANT NAME AND NUMBER CHK

b6
b7C

REQD BY: [REDACTED] SER 00000 CA019 ACTION S ROUTE TO _____

(*) NAME SEARCH : DOJ X

LAST PETERS FIRST MICHAEL MIDDLE BLAINE

SEX M DESC _ HAIR _ EYES _ HGT _ WGT _ DOB 090266 AGE _

(*) NUMBER SEARCHES (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

OP LIC _ CII# _ MAIN# _ AKA _ BKG# _

VEH: LIC# _ VIN# _ SVS _

(*) CWS ADDRESS SEARCH (USE ALONE OR AS ADDITIONAL PERSON DESCRIPTORS):

ADD _ ST _ TYP _ APT _ CITY _

IJ

4L01

CAFBILAO0

NO NCIC WANT DOB/090266 NAM/PETERS,MICHAEL BLAINE SEX/M

OUTPUT MSG 492, PAGE 01 OF 01, FROM CL1@

03/02/93 07:17 NO MSGS WAITING

Memorandum



To : SAC, LOS ANGELES (139C-LA-127588) Date 2/25/93

From : SA [redacted] (CE-6)

Subject: JUSTIN KEVIN PETERSEN;
KEVIN POULSEN, ET AL;
IOC;
OO: LOS ANGELES

b6
b7C

Re SSA [redacted] routing slip dated 2/22/93.

POULSEN was initially scheduled for trial in San Francisco on 3/22/93, however, trial has been continued until 7/93. AUSA [redacted] San Francisco, and San Francisco case Agent were in Los Angeles on 1/21/93 and 1/22/93, to review POULSEN's computer files. At that time, San Francisco FBI was provided a copy of POULSEN's computer files under 404B material and they reviewed additional physical evidence in Los Angeles Bulky exhibits. To date, San Francisco has not requested any additional evidence that may be of some benefit for their upcoming trial.

Presently, PACIFIC TELEPHONE (PAC BELL) Security Analyst, [redacted] San Diego, and [redacted] San Francisco, are reviewing POULSEN's computer files, along with Los Angeles FBI Agents involved in this investigation. It is anticipated that writer and AUSA [redacted] Los Angeles, will travel to San Francisco in March to review San Francisco FBI 404B material. Furthermore, Grand Jury proceedings will commence on 3/10/93, in Los Angeles concerning POULSEN [redacted]
[redacted]

(2)
2

b6
b7C
b7D

It is anticipated that Los Angeles FBI will indict POULSEN by 3/22/93, on a multiple of Interception of Communications (IOC) counts.

139C-LA-127588-
pw pw 149

[Signature]
SEO/Bab
(2)

[Signature]

Memorandum

To : SAC LOS ANGELES, (270D-312)

Date 3/2/93

From : SA [redacted] (CE-6)

b6
b7C

Subject: [redacted]

b7D

Dates of Contact3/1/93

File #s on which contacted (Use Titles if File #'s not available)

139C-LA-127588

Purpose and results of contact

- NEGATIVE
 POSITIVE
 STATISTIC

**Description of
Statistical Accomplishment**
Title of Case**File No.**

Information herein obtained confidentially; informant's name is not to be disclosed in a report or otherwise unless it has been decided definitely that this person is to be a witness in a trial or hearing.

PERSONAL DATA

① - 139C-LA-127588
 1 - [redacted]
 1 - [redacted]

b7D

139C-LA-127588-156
 MU MU

SEO/Bab
(3)

STATISTICAL ACCOMPLISHMENTS
Criminal Informant/Cooperative Witness (CI/CW)

1. Number of Subjects Arrested:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
2. Number of Subjects/Victims Identified and/or Located:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
3. Number of Investigative Matters Initiated:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
4. Number of Disseminations Based Upon CI/CW Information:_____
5. Number of Violent Acts Prevented:_____
6. Number of Times CI/CW Information Used in Title III Affidavits:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
7. Number of Times CI/CW Information Used in Search Warrant Affidavits:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
8. Number of Times CI/CW Information Used in Obtaining Complaint/Information/Indictment:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
9. Merchandise Recovered (Value):
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
10. Asset/Property Seized (Value at Time of Seizure):
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
11. Monetary Value of Asset/Property Actually Forfeited to Government: \$_____
12. Number of Convictions Obtained as a Result of Information Furnished by CI/CW or as a Result of other Significant Operational Assistance Furnished:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
13. Number of Times Undercover Agent or Other Law Enforcement Officer Introduced into an Investigative Matter by CI/CW:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
14. Drugs Recovered (Wholesale Value):
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____
15. Number of Consensually Monitored Conversations CI/CW participated in:
 - a. FBI
 - b. Other Federal Agencies
 - c. State and Local Agencies_____

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/15/93

Pursuant to a Federal Grand Jury Subpoena served on
[redacted]
[redacted] were reviewed and the following was
noted:

1)

2)

3)

4)

b3
b6
b7C

Investigation on 3/11/93 at Los Angeles, California File # 139C-LA-127588-151

by SA [redacted] /Bab Date dictated 3/15/93

b6
b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

3/15/93

On March 11, 1993, rental agreements signed by KEVIN LEE POULSEN, also known as Andrew Stevens, were received from [REDACTED] [REDACTED] also provided a PACIFIC TELEPHONE (PAC BELL) phone bill in the name of JOHN BRADY.

On March 12, 1993, [REDACTED] advised that sometime in April, 1991, he was shown a photograph by [REDACTED] LAST NAME UNKNOWN (LNU), PAC BELL Security, who he recognized as Andrew Stevens in Suite 416. [REDACTED] described Stevens as a white male, approximate age twenty-seven (27), weight 140 pounds, height 5'8". [REDACTED] advised that he was also shown a photograph of another male individual who looked familiar, but he was unable to identify and a photograph of a female.

b6
b7C

[REDACTED] related that in November, 1990, Stevens signed a rental agreement for office space on a month to month basis. According to [REDACTED] Stevens' partner paid half of the rent each month.

A review of the "rental agreement" reflected that KEVIN POULSEN, using the name "Andrew Stevens", dba SLC PUBLISHING, Post Office Box 2632, Beverly Hills, California, rented office space at 14545 Victory Boulevard, Suite 416, Van Nuys, California, on November 5, 1990, on a month to month basis for \$361.20 a month. The rental agreement was signed by Andrew Stevens. On the "Confidential Information" form dated November 2, 1990, POULSEN listed his bank as LINCOLN SAVINGS, Van Nuys, account number 526301, (818) 377-4563, Post Office Box 2632, Beverly Hills, California. [REDACTED] also provided a PAC BELL phone bill in the name of JOHN BRADY, dba SLC PUBLISHING, Suite 416, 14545 Victory Boulevard, Van Nuys, California, telephone number (818) 997-4028.

b6
b7C

Investigation on 3/11-12/93 at Los Angeles, California File # 13C-LA-127588 -152

by SA [REDACTED] /Bab Date dictated 3/15/93

b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/15/93

On March 12, 1993, [redacted] was telephonically contacted to determine if he could provide any information concerning a PACIFIC BELL (PAC BELL) phone bill in the name of JOHN BRADY, dba SLC PUBLISHING, Suite 416, 14545 Victory Boulevard, Van Nuys, California. [redacted] advised that John Brady was another alias used by KEVIN POULSEN when they occupied the office space.

b6
b7C
b7D

(telephonically)

Investigation on 3/12/93 at Los Angeles, California File # 139C-LA-127588-153by SA [redacted] /Bab Date dictated 3/15/93b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/15/93

On March 12, 1993, [REDACTED] PACIFIC TELEPHONE (PAC BELL), Security telephonically advised that sometime in April, 1991, he contacted [REDACTED]

[REDACTED] stated that he displayed photographs of KEVIN POULSEN, who [REDACTED] identified as Andrew Stevens in Suite 416, and a photograph of ERIC HEINZ, and possibly another male individual who [REDACTED] does not recall. [REDACTED] advised that it is possible that [REDACTED] may have mistaken HEINZ's picture for a female because HEINZ had extremely long hair.

b6
b7C

Investigation on 3/12/93 at Los Angeles, California File # 139C-LA-127588 -154

by SA [REDACTED] Xbab Date dictated 3/15/93

b6
b7C

MAR 15 11 34 AM '93

0020 MRI 01021

PP FBILA

DE FBILA #0003 0741901

ZNY EEEEEE

P 151855Z MAR 93

FM FBI LOS ANGELES (139C-LA-127588)/PRIORITY/

TO FBI SAN FRANCISCO (139A-SF-335)/PRIORITY/

BT

UNCLAS E F T O

CITE: //3410: CE-6//

SUBJECT: JUSTIN TANNER PETERSEN; KEVIN POULSEN; [REDACTED]

[REDACTED] IOC; OO: LOS ANGELES.

RE TELEPHONE CALL TO SA [REDACTED] SAN FRANCISCO, ON
3/11/93.

ON 3/18/93, SA(S) [REDACTED] ALONG
WITH AUSA [REDACTED] LOS ANGELES, WILL TRAVEL TO SAN
FRANCISCO FOR THE PURPOSE OF REVIEWING 404B MATERIAL
CONCERNING POULSEN. IT IS ANTICIPATED THAT IN MARCH, 1993,
LOS ANGELES WILL INDICT POULSEN ON A MULTITUDE OF FEDERAL
CHARGES TO INCLUDE MONEY LAUNDERING.

b6
b7c

TELETYPE

155
139C-LA-127588
SEARCHED —
INDEXED —
SERIALIZED *(initials)*
FILED *(initials)*

PAGE TWO DE FBILA 0003 UNCLAS E F T O

AFTER REVIEWING THE EVIDENCE, AGENTS WILL RETURN TO LOS ANGELES SAME DAY.

SAC(S) LOS ANGELES AND SAN FRANCISCO CONCUR WITH TRAVEL AND LOS ANGELES WILL MAKE OWN TRAVEL ARRANGEMENTS.

BT

#0003

NNNN

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

3/15/93

A review of KEVIN POULSEN's computer files reflected that on October 3, 1990, a DEPARTMENT OF MOTOR VEHICLES (DMV) inquiry was made on California license plates 2MKJ015 and 2HLX600.

On March 12, 1993, [redacted] Data Base Security and Client Service Representative for DMV, provided certified copies of DMV records retrieved from DMV journal tapes for license numbers 2MKJ015 and 2HLX600.

On March 15, 1993, [redacted] confirmed that a DMV inquiry was made on both license plates on October 3, 1990, at 1:32 p.m. and 1:33 p.m., respectively, from TERMINAL YH4. TERMINAL YH4 is a dedicated INTERNAL REVENUE SERVICE (IRS) Terminal used exclusively by the IRS for DMV inquiries. TERMINAL YH4 is located at IRS Headquarters, 300 North Los Angeles Street, First Floor, Room 1222 B, Los Angeles, California.

California license 2HLX600 is a 1988 Chevrolet registered to PAC BELL, 1445 Van Ness, Room 236, Fresno, California. California license 2MKJ015 is a 1989 Ford registered to SERADSKY AND SON INC., 1001 South Figueroa Street, Los Angeles, California.

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Investigation on 3/15/93 at Los Angeles, California File # 139C-LA-127588-156

by SA [redacted]

Kbab

Date dictated 3/15/93b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

3/16/93

[REDACTED] On March 16, 1993, [REDACTED]
[REDACTED] DEPARTMENT OF MOTOR VEHICLES (DMV), 916-657-7692, was
contacted concerning two California license inquiries for license
[REDACTED] that were retrieved from DMV journal tapes on
October 3, 1990.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Investigation on 3/16/93 at Los Angeles, California File # 139C-LA-127588 -157

by SA [REDACTED] Bab Date dictated 3/16/93

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RECORD OF INFORMATION FURNISHED OTHER AGENCIES

Orally _____ By Telephone 3/22/93 Written Communication _____
 (date) (date) (date)

Information concerning: (Include NARCOTICS MATTERS here and in the TOTAL for "ALL MATTERS" column on Form FD-371.)

Detonation of a pipe bomb.

Information furnished from File, Serial, and Page Number: 1390-CA-127588

On _____ a continuing disclosure was initiated with
 (date) _____ and will be maintained until the con-
 clusion of the investigation.

- from informants
- from complainants or other sources

Information furnished to: Detective



LA PD

Number of items disseminated: 1

Remarks:

*Info on attached FD-302 dated
 3/23/93.*

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*139 CLA (27588-
 JWD AJ 158*



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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

3/23/93

On March 22, 1993, [redacted] LOS ANGELES POLICE DEPARTMENT (LAPD), Criminal Conspiracy Unit, telephone number (213) 893-8111. was informed that sometime in 1989. the [redacted]

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Same Date, [redacted] advised that he had located LAPD report, DR #89-0643253. Referring to the report, [redacted] related that the pipe bomb was six inches by one and a half inches (6" x 1 1/2") in diameter with endcaps and the primer was on the side of the pipe. The incident occurred at 1439 North Gardner Avenue, Hollywood, California, and no damage or injuries were sustained.

[redacted] contacted Los Angeles Deputy District Attorney [redacted] who declined prosecution in this matter since the three year statute of limitations elapsed. [redacted] advised that he would make the report available to the FEDERAL BUREAU OF INVESTIGATION (FBI). *(Signature)*

Investigation on 3/22/93 at Los Angeles, California File # 139C-LA-127588

by SA [redacted] Bab Date dictated 3/23/93

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/2/93

[redacted] telephone number [redacted] was telephonically contacted concerning the events surrounding her winning [redacted] from K-RTH radio station on February 13, 1989. Thereafter, [redacted] provided the following information:

[redacted] (hereafter referred to as [redacted]) recalled that she had just decided to call the radio station to see if she could win the contest and for no other apparent reason. [redacted] stated [redacted] (hereafter referred to as [redacted]) was not present when she called K-RTH. She stated that [redacted] never discussed with her his capabilities of manipulating or seizing telephone lines where she would be selected as the winning contestant. [redacted] advised that she was unaware of [redacted] having those capabilities. [redacted] related that she called the K-RTH station and she does not recall any other specifics concerning the call.

[redacted] stated that she went to K-RTH radio station alone after winning the contest for the purpose of showing someone proper identification. She does not recall who made the travel arrangements [redacted]. She said that her [redacted]

[redacted] stated that this was the only occasion she had won a radio contest. [redacted] said that she spent the entire [redacted] and that she did not give [redacted] any portion of the [redacted]

[redacted] stated that she did not know anything about [redacted] in the San Fernando Valley.

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(telephonically)

Investigation on 3/29/93 at Los Angeles, California File # 139C-LA-127588 -159by [redacted] Date dictated 4/1/93b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

3/31/93

As a result of receiving a KIIS radio station contestant winner form entitled "Weekly Porche Giveaway" signed by MIKE PETERS, dated June 1, 1990, 11333 Moorpark Street, Studio City, California; a request for taxpayer identification number and certification form "W-9" signed by MIKE PETERS, dated June 4, 1990, and Form-1099 addressed to MIKE PETERS in the amount of \$31,925.69, [redacted] Accounting Department, KIIS radio station, (213) 466-8381, was telephonically contacted and she provided the following information:

Referring to a computerized copy of an "Accounts Payable 10-99 Request", which is a compilation of all KIIS contestant winners who were mailed form 1099, [redacted] stated that next to PETERS' name was the quotation "Final Report" with a date of January 29, 1991. [redacted] is not certain that she mailed the form on that date, but she explained that the notation meant that no additional paper work was necessary and that the 1099 form was probably mailed to PETERS on that date.

[redacted] related that an eight and a half inch computer disc of the complete list of contestant winners for 1990, was mailed to the INTERNAL REVENUE SERVICE (IRS), however; she could not locate the certified mail receipt to determine the date the disc was mailed to the IRS. [redacted] advised that she had located an IRS letter dated December 29, 1992, acknowledging receipt of the 1099 forms for 1990 from KIIS radio station.

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(telephonically)

Investigation on 3/29/93 at Los Angeles, California File # 139C-LA-127588 -160by SA [redacted] /Bab Date dictated 3/30/93b6
b7C

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/2/93

On March 31, 1993, [REDACTED] was interviewed by the FEDERAL BUREAU OF INVESTIGATION (FBI) and during the interview, [REDACTED] voluntarily placed a telephone call from phone number [REDACTED] to telephone number [REDACTED] at approximately 11:30 a.m., subscribed to by [REDACTED]
[REDACTED]

She told [REDACTED] that she was busy and that she would have to call him back.

Same date, [REDACTED] telephonically advised that he had received a telephone call from [REDACTED] She informed [REDACTED]

[REDACTED] can be contacted at telephones numbers [REDACTED] (home number), [REDACTED] (work-night), and [REDACTED]

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[Signature]

(telephonically)

Investigation on 3/31/93 at Los Angeles, California File # 264A-LA-135087, 139C-LA-127588

by [REDACTED]

Date dictated 3/31/93

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- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/5/93

On April 2, 1993, [redacted] telephonically advised that he wanted to clarify and add some statements made to the FEDERAL BUREAU OF INVESTIGATION (FBI) on March 31, 1993. [redacted] provided the following information:

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(telephonically)
Investigation on 4/2/93 at Los Angeles, California File # 139C-IA-127588 -163
by SA [redacted] Bab Date dictated 4/2/93

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b7C

139C-LA-127588

SEO/Bab

1

On April 15, 1993, [REDACTED] DEPARTMENT OF MOTOR VEHICLES (DMV), Office of Information Services, (916) 657-7827, provided DMV documents relative to the sale of a 1990 Porsche to [REDACTED]

Same date, [REDACTED] was telephonically contacted concerning the ownership/registration form mailed to DMV. Referring to this form, [REDACTED] advised that once this form is received by DMV, the receiving date or "date issued" is the date this particular form was received by DMV through the mail. [REDACTED] advised that this form was received by DMV on June 29, 1990.

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139C-LA-127588-148

FBI

TRANSMIT VIA:

- Teletype
 Facsimile
 AIRTEL

PRECEDENCE:

- Immediate
 Priority
 Routine

CLASSIFICATION:

- TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 4/2/93

1 TO : SAC, LOS ANGELES (139C-LA-127588)
 2 FROM [REDACTED] SAC, SAN FRANCISCO (139A-SF-335) (P) (SJRA/2)
 3 SUBJECT : KEVIN LEE POULSEN, aka
 ET AL;
 INTERCEPTION OF COMMUNICATION;
 OO: SAN FRANCISCO
 4
 5

6 Re SF telephone call of SA [REDACTED] to
 7 SA [REDACTED], 4/2/93.

8 Enclosed for Los Angeles is one copy each of three
 9 cassette tape recordings of the interception of telephonic
 conversations and xerox copies of notes made by [REDACTED]
 10 [REDACTED] Pacific Bell Security pertaining to the content of
 each of the tape recordings.

11 For the information of Los Angeles, portions of
 12 TAPE 1, SIDE A depicts conversations between [REDACTED]
 13 TAPE 1, SIDE B is of conversations between [REDACTED]
 14 and then between [REDACTED] and [REDACTED]
 15 TAPE 2, SIDE A is a conversation between [REDACTED]
 16 and [REDACTED] and later between [REDACTED]
 17 and [REDACTED] with [REDACTED] later joining in the
 conversation. TAPE 2, SIDE B is of [REDACTED] and [REDACTED]
 18 later between [REDACTED] and [REDACTED], and
 then between [REDACTED] and [REDACTED]. TAPE 3, SIDE A
 is between [REDACTED] and [REDACTED] later between
 [REDACTED] and [REDACTED], and then [REDACTED]
 and various individuals.

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19 2 - Los Angeles (139C-LA-127588)
 20 (Encl. 6) [REDACTED]
 21 2 - San Francisco (139A-SF-335)
 JDW/jdw
 (4)

164

SEARCHED	SERIALIZED	INDEXED	FILED
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

Agency

b6
b7C

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

139A-SF-335

JDW/jdw

2

Los Angeles should note that in LA file 139A-652,
SA [redacted] contacted [redacted]
[redacted] concerning
the overhears and executed FD-302s memorializing their
comments.

b6
b7C

FBI

TRANSMIT VIA:

- Teletype
 Facsimile
 AIRTEL

PRECEDENCE:

- Immediate
 Priority
 Routine

CLASSIFICATION:

- TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 4/5/93

TO : SAC, SAN FRANCISCO (139A-SF-335)
 (ATTN: [REDACTED] HAYWARD RA)

FROM : SAC, LOS ANGELES (139C-LA-127588) (CE-6) (P)

SUBJECT : JUSTIN PETERSEN;
 ET AL;
 IOC;
 OO: LOS ANGELES

Re Los Angeles telephone call to SA [REDACTED] on
 4/5/93.

Enclosed for the San Francisco Division are the
 following items:

1) Transcripts of telephone conversations between
 KEVIN [REDACTED] on 4/11, 4/12, 4/13,
 4/16, and 4/17/91.

2)

[REDACTED]

3)

(X)
b6
b7C
b7D

2 - San Francisco (Enc. 7)
 2 - Los Angeles

SEO/Bab
 (4)

139C-LA-127588-
 SEARCHED _____ 165
 INDEXED _____
 SERIALIZED (1) _____
 FILED _____

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

139C-LA-127588

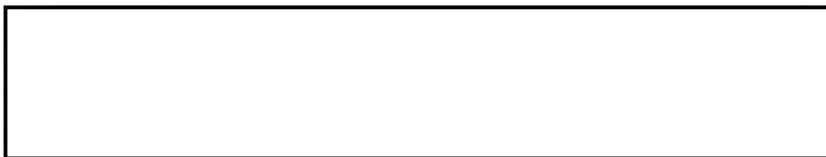
- 4) Colored photographs of a search warrant executed at TARZANA SELF STORAGE, Tarzana, California, concerning POULSEN's storage locker.
- 5) Two (2) 8x10 and six (6) 3x5 colored photographs of KEVIN POULSEN.

6)



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7)



It is anticipated that Los Angeles will indict POULSEN on 4/15/993, on a multitude of felony charges.

U.S. Department of Justice



Federal Bureau of Investigation

In Reply, Please Refer to
File No.

11000 Wilshire Boulevard #1700
Los Angeles, CA 90024

April 21, 1993

PRESS RELEASE
"UNSOLVED MYSTERIES" COMPUTER HACKER INDICTED ON CHARGES
OF RIGGING RADIO STATION GIVEAWAYS, AND
WIRETAPPING PUBLIC AND OBSTRUCTION OF JUSTICE

United States Attorney TERREE A. BOWERS and SAC CHARLIE J. PARSONS of the FBI announced today that KEVIN LEE POULSEN, 27, of Los Angeles and San Francisco, was indicted by a grand jury for hacking into computer systems in order to rig promotional radio station contests and to identify law enforcement investigations. POULSEN was also charged with wiretapping other individuals and with obstructing justice by arranging to have his computers moved by an accomplice before they could be seized by agents of the F.B.I.

According to Assistant United States Attorney, DAVID J. SCHINDLER, who is prosecuting the case, the nineteen count indictment charges various offenses including computer fraud, interception of wire communications, mail fraud, money laundering, and obstruction of justice. POULSEN was previously featured on an episode of "Unsolved Mysteries" as a result of

1 - SAC CHARLIE J. PARSONS
1 - ASAC THOMAS R. PARKER
1 - SSA [redacted]

1 - Night Supervisor
1 - 80-33
1 - 139C-LA-127588
1 - Media

DWB/ch
(7)

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b7c

139C-LA-127588

skipping bail in connection with a separate San Francisco indictment which charged him with, among other things, illegally retaining top secret defense department documents.

The instant indictment charges POULSEN with hacking into various computer systems during the two year period in which he managed to elude capture. Through the use of computers, POULSEN and his co-conspirators succeeded in rigging promotional radio giveaway contests conducted by radio stations KIIS-FM, KRTH-FM, and KPWR-FM by seizing control of the incoming phone lines leading to the radio stations. During the two year period, POULSEN and his co-conspirators fraudulently won two Porsche automobiles given away by KIIS-FM, \$20,000 in cash awarded by KPWR-FM, and at least two trips to Hawaii and \$2,000 in cash awarded by KRTH-FM. The indictment charges POULSEN with using aliases and phony identification in order to retrieve and sell one of the Porsches and, later, to launder the proceeds of the sale.

POULSEN is also charged with using his computer skills to: (a) identify law enforcement activities from a computer data base) and (b) access Department of Motor Vehicle computers using access codes assigned to criminal investigators of the Internal Revenue Service. POULSEN is further charged with setting up his own wiretaps and taping private conversations. Finally, POULSEN

139C-LA-127588

is charged with obstructing justice by making a telephone call immediately following his capture in order to alert an accomplice to hide the computers used to conduct the illicit activity.

As direct result of this investigation the FBI has aided in the development and implementation of new security protocols within the telephone companies. The FBI has developed and implemented new procedures which should eliminate the possibility of a recurrence of this sort. We are confident that the rigorous and successful prosecution of these criminals will send a discouraging message to any others similarly predisposed to engage in such conduct.



NEWS RELEASE

For Immediate Release

CONTACT:
Carole Levitzky, Public Affairs Officer (213) 894-6947

TERREE A. BOWERS

United States Attorney

Central District of California

#93-104

April 21, 1993

AUSA David J. Schindler
(213) 894-0336

COMPUTER HACKERS PLEAD GUILTY TO CHARGES OF RIGGING RADIO STATION CONTESTS, INTERCEPTING TELEPHONE LINES, AND OBSTRUCTION OF JUSTICE AS PART OF ONGOING PROBE INTO COMPUTER HACKING

United States Attorney Terree A. Bowers announced today that Ronald Mark Austin, 29, of Los Angeles and Justin Tanner Petersen, 32, also of Los Angeles, have pleaded guilty to various charges including computer fraud for their role in a sophisticated computer hacking scheme through which the defendants and others succeeded in rigging giveaway contests conducted by various radio stations, including KIIS-FM, KRTH-FM, and KPWR-FM.

According to Assistant United States Attorney, David J. Schindler, who is prosecuting the case, the defendants used computers to seize the incoming telephone lines leading to the various radio stations thereby ensuring that they would be the correct number caller to win prizes which were supposed to be awarded at random by the stations.

Austin pleaded guilty to five counts, including computer fraud, intercepting wire communications, conspiracy, and obstruction of justice. As part of his guilty plea, Austin admitted his role in using computers to fraudulently obtain a Porsche automobile from radio station KIIS-FM along with a trip to

-more-

Hawaii and \$1,000 in cash from radio station KRTH-FM. Austin also admitted his role in removing computer equipment belonging to Kevin Lee Poulsen in order to prevent its seizure by F.B.I. agents who had managed to capture Poulsen.¹

Austin faces a maximum of 25 years imprisonment and \$1,250,000 in fines. Sentencing is currently set for June 14, 1993 before the Honorable Richard A. Gadbois.

Petersen pleaded guilty to six counts including, conspiracy, computer fraud, intercepting wire communications, transporting a stolen vehicle across state lines, and wrongfully accessing TRW credit files. As part of his guilty plea, Petersen admitted his role in using computers to seize the incoming telephone lines leading to radio station KPWR-FM in order to rig a \$10,000 giveaway contest conducted by the radio station. Petersen further admitted using computers to hack into TRW and Telenet computer systems. Finally, Petersen detailed his participation with Poulsen, including how the two physically broke into various buildings housing Pacific Bell computers in order to obtain manuals and passwords relating to Pacific Bell computer operating systems.

Petersen faces a maximum of 40 years imprisonment and \$1,500,000 in fines. Sentencing is currently set for May 3, 1993 before the Honorable Stephen V. Wilson.

Austin and Petersen's guilty pleas come as part of an ongoing investigation into computer hacking and computer related crimes

-more-

¹ See related announcement pertaining to indictment of Kevin Lee Poulsen.

being conducted by the United States Attorney's Office and the Federal Bureau of Investigation. In addition to Austin and Petersen, other targets have agreed to plead guilty and cooperate in the investigation.

#####



NEWS RELEASE

For Immediate Release

TERREE A. BOWERS

United States Attorney

Central District of California

#93-103
April 21, 1993

CONTACT:

Carole Levitzky, Public Affairs Officer (213) 894-6947

AUSA David J. Schindler
(213) 894-0336

**"UNSOLVED MYSTERIES" COMPUTER HACKER INDICTED ON CHARGES
OF RIGGING RADIO STATION GIVEAWAYS, COMPROMISING
LAW ENFORCEMENT INVESTIGATIONS AND WIRETAPS,
WIRETAPPING PUBLIC AND OBSTRUCTION OF JUSTICE**

United States Attorney Terree A. Bowers announced today that Kevin Lee Poulsen, 27, of Los Angeles and San Francisco, was indicted by a grand jury for hacking into computer systems in order to rig promotional radio station contests and to compromise law enforcement investigations. Poulsen was also charged with wiretapping other individuals and with obstructing justice by arranging to have his computers moved by an accomplice before they could be seized by agents of the F.B.I.

According to Assistant United States Attorney David J. Schindler, who is prosecuting the case, the nineteen-count indictment charges various offenses including computer fraud, interception of wire communications, mail fraud, money laundering, and obstruction of justice. Poulsen was previously featured on an episode of "Unsolved Mysteries" as a result of skipping bail in connection with a separate San Francisco indictment which charged him with, among other things, illegally retaining secret defense department documents.

-more-

The instant indictment charges Poulsen with hacking into various computer systems during the two year period in which he managed to elude capture. Through the use of computers, Poulsen and his coconspirators succeeded in rigging promotional radio giveaway contests conducted by radio stations KIIS-FM, KRTH-FM, and KPWR-FM by seizing control of the incoming phone lines leading to the radio stations. During the two year period, Poulsen and his coconspirators fraudulently won two Porsche automobiles given away by KIIS-FM, \$20,000 in cash awarded by KPWR-FM, and at least two trips to Hawaii and \$2,000 in cash awarded by KRTH-FM.¹ The indictment charges Poulsen with using aliases and phony identification in order to retrieve and sell one of the Porsches and, later, to launder the proceeds of the sale.

Poulsen is also charged with using his computer skills to attempt to access sensitive government files. Poulsen is further charged with setting up his own wiretaps and taping private conversations. Finally, Poulsen is charged with obstructing justice by making a telephone call immediately following his capture in order to alert an accomplice to hide the computers used to conduct the illicit activity.

-more-

¹ See related announcements pertaining to ongoing F.B.I. computer fraud investigation.

If convicted on all charges, Poulsen faces a maximum of 100 years imprisonment and \$4.75 million dollars in fines.

- * An indictment is merely a formal charge that a defendant has committed a violation of federal criminal law and every defendant is presumed innocent, until and unless proven guilty.

-END-

139C-IA-127588
SEO Bab

1

A review of United States District Court Documents reflected an Order to Intercept Wire Communications concerning [redacted] was signed by a United States Magistrate [redacted] on September 7, 1989, for a thirty (30) day period.

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139C- IA-127588-171

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Computer hacker indicted

*Radio contests,
FBI said targets*

By Gale Holland

COPLEY NEWS SERVICE

An infamous computer hacker who faces espionage charges in the San Francisco Bay area was indicted Wednesday in Los Angeles for allegedly rigging radio contests and infiltrating sensitive FBI investigations.

A federal grand jury also accused Kevin Lee Poulsen, 27, of stealing telephone company equipment and wire-tapping a private citizen during the 1½-year period after he fled his 1989 indictment in San Francisco, Assistant U.S. Attorney David Schindler said.

"The government can't decide if Mr. Poulsen is Julius Rosenberg or a guy who cheats on radio talk shows," defense attorney Paul Meltzer said. "There's real questions if what he did was illegal even if it's true."

Poulsen, who was known as "Dark Dante," first gained national attention in the early 1980s with his arrest for breaking into a UCLA computer. It was one of the first hacking cases in the country.

He was soon hired by a Silicon Valley company as a computer security expert, where he analyzed Defense Department cyber-safeguards. Company of-

HACKER/A4

Date:
Edition:

Title:

Character:
or
Classification:
Submitting-Office:

4/6/93
Daily Breeze
Front page
B7C-LA-102588

Indexing:

(Q) 10

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Date:
Edition:

Title:

Character:
or
Classification:
Submitting Office: *B9C-43-27588*

Indexing:

Hacker**FROM PAGE A1**

ficials at SRi International attributed his earlier arrest to youthful enthusiasm.

In November 1989, authorities in San Francisco charged Poulsen with invading a military computer network and stealing unlisted telephone numbers for the Soviet Consulate in San Francisco and for Ferdinand E. Marcos.

Poulsen also was accused of stealing a classified Air Force communique about a military exercise that listed the names and locations of structures to be attacked in the event of war. Poulsen later was charged with espionage for that offense, the first national security violation ever brought in a hacking case.

Poulsen fled Menlo Park shortly after the San Francisco indictment and came to Los Angeles. The indictment handed up Wednesday said he soon assembled a ring of hackers to fraudulently obtain radio call-in contest prizes.

The ring broke into Pacific Bell Telephone Co. computers and seized all or most of the incoming lines to top-rated stations including KPWR, KIIS and KRTH, which were offering expensive on-air giveaways, the indictment claimed.

Members of the ring would then use false identities to claim the prizes, which included two Porsche automobiles, two trips to Hawaii and at least \$21,000, the indictment charged. One of the Porsches later sold for \$30,000.

Poulsen also wielded the telephone company computers to steal information about front businesses used by the FBI in sensitive undercover investigations, the grand jury charged. Among the confidential data he obtained was the court-ordered wiretap of Splash restaurant in Malibu and owner Ronald Lorenzo, then the target of an organized crime investigation.

The grand jury accused Poulsen of invading communications systems of the Internal Revenue Service and the Department of Motor Vehicles.

The mother of the North Hollywood woman Poulsen is accused of wire-tapping described him as a lovesick egotist who wouldn't hurt a fly.

Poulsen was arrested at a Van Nuys supermarket in April 1991 and returned to the Bay area, where he has been held without bail since his capture. He faces a July 12 trial date, said Assistant U.S. Attorney Robert Crowe.

Poulsen's maximum prison sentence in the Los Angeles case is 100 years plus a \$4.75 million fine. He faces a 120-year term in the San Francisco case.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Date: 4/22/93
Edition: S.F. Chronicle
Title: Front Page

Character: Kevin Poulsen
or
Classification:
Submitting Office: 139C-44-72788

Indexing:

Hacker Accused Of Rigging Radio Contests

By Don Clark
Chronicle Staff Writer

A notorious hacker was charged yesterday with using computers to rig promotional contests at three Los Angeles radio stations, in a scheme that allegedly netted two Porsches, \$20,000 in cash and at least two trips to Hawaii.

Kevin Lee Poulsen, now awaiting trial on earlier federal charges, is accused of conspiring with two other hackers to seize control of incoming phone lines at the radio stations. By making sure that only their calls got through, the conspirators were assured of winning

HACKER: Page A13 Col. 1

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Date:
Edition:

HACKER: New Charges of Contest Rigging

From Page 1

the contests, federal prosecutors said.

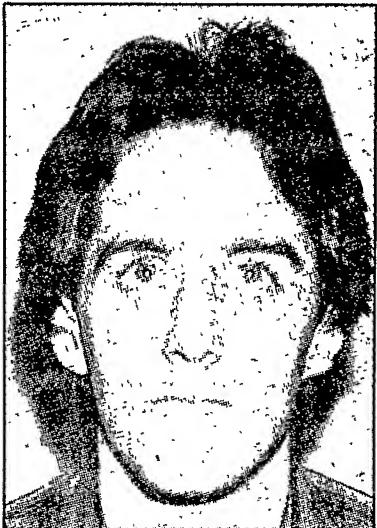
A new 19-count federal indictment filed in Los Angeles charges that Poulsen also set up his own wiretaps and hacked into computers owned by the California Department of Motor Vehicles and Pacific Bell. Through the latter, he obtained information about undercover businesses and wiretaps run by the FBI, the indictment states.

Poulsen, 27, is accused of committing the crimes during 17 months on the lam from earlier charges of telecommunications and computer fraud filed in San Jose. He was arrested in April 1991 and is now in the Federal Correctional Institution in Dublin. In December, prosecutors added an espionage charge against him for his alleged theft of a classified military document.

The indictment announced yesterday adds additional charges of computer and mail fraud, money laundering, interception of wire communications and obstruction of justice.

Ronald Mark Austin and Justin Tanner Peterson have pleaded guilty to conspiracy and to violating computer crime laws and have agreed to help the prosecution in their cases against Poulsen. Both are Los Angeles residents.

Poulsen and Austin have made headlines together before. As teenagers in Los Angeles, the two computer prodigies allegedly broke into a Pentagon-organized computer network that links researchers and defense contractors around the country.



BY ASSOCIATED PRESS

KEVIN LEE POULSEN
19-count federal indictment

As a teenager in North Hollywood, he used the hacker handle Dark Dante and allegedly broke into a Pentagon-organized computer network that links researchers and defense contractors around the country.

Between 1985 and 1988, after taking a job at Menlo Park-based SRI International, Poulsen allegedly burglarized or used phony identification to sneak into several Pacific Bell offices to steal equipment and confidential access codes that helped him change records and monitor calls. After being indicted on those charges in 1989, Poulsen skipped bail and fled to Los Angeles where he was eventually arrested at a suburban grocery store.

One of the unanswered myster-

ies about the case is how he supported himself as a fugitive. The new indictment suggests that radio stations KIIS-FM, KRTH-FM and KPWR-FM unwittingly helped out.

Poulsen and his conspirators are accused of hacking into Pac-Bell computers to block out other callers seeking to respond to contests at the stations.

The conspirators allegedly used the scheme to let Poulsen and Austin win Porsches from KIIS and let a confederate win \$20,000 from KPWR. Poulsen created aliases and phony identification to retrieve and sell one of his Porsches and launder the proceeds of the sale, the indictment states.

In February 1989, they arranged for Poulsen's sister to win a trip to Hawaii and \$1,000 from KRTH, the indictment states.

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Date:
Edition:4/23/95
LA Times - Metro

Title:

Character:

or

Classification:

Submitting Office:

139-CA-127588

Indexing:

X
10**LOS ANGELES****Computer Hacker Accused of Unfairly Winning Prizes**

A Los Angeles man was indicted by a federal grand jury Wednesday for hacking into computer systems so he could rig promotional radio contests and compromise law enforcement investigations.

Kevin L. Poulsen, 27, also was charged with wiretapping and obstructing justice. Through the use of computers, Poulsen and two other men rigged promotional contests on three radio stations and fraudulently won two Porsche automobiles, \$22,000 in cash and two trips to Hawaii, according to the indictment prepared by Asst. U.S. Attorney David J. Schindler.

Poulsen faces a maximum of 100 years in prison and \$4.75 million in fines.

Poulsen's two co-conspirators, Ronald M. Austin, 29, and Justin T. Petersen, 32, who were about to be indicted, pleaded guilty Wednesday to several charges, including computer fraud, for their roles in the scheme, Schindler said. The prosecutor said Austin and Petersen have agreed to cooperate with the FBI in an ongoing investigation of computer-related crimes.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/26/93

Pursuant to a Federal Grand Jury Subpoena, on [redacted]

[redacted]
[redacted] provided the following documents:

1)

[redacted]

2)

3)

b3
b6
b7CInvestigation on 4/23/93 at Los Angeles, California File # 139C-LA-127588 - 116by SA [redacted] Bab Date dictated 4/23/93b6
b7C

Accomplishment Report
(Submit within 30 days from date of accomplishment)

Report Date: _____
From: SAC, Los Angeles

Does Accomplishment Involve: (check all that apply)	
Drugs	<input type="checkbox"/>
A Fugitive	<input type="checkbox"/>
Bankruptcy Fraud	<input type="checkbox"/>
Computer Fraud/Abuse	<input checked="" type="checkbox"/>
Corruption of Public Officials	<input type="checkbox"/>
Forfeiture Assets	<input type="checkbox"/>

File Number	
<u>139C-LA-127588</u>	

RA	Squad
<u>0015</u>	

Task Force	

Assisting Joint Agencies X •	
1.	
2.	

Assisting Agents Soc. Sec. No. X	
1.	— —
2.	— —

b7c
Squad Supervisor
approval (please initial)

Investigative Assistance or Technique Used

1 = Used, but did not help
2 = Helped, minimally

3 = Helped, substantially
4 = Absolutely essential

IAT	IAT	IAT
Financ. Analyst Asst.	Informant Info.	Tech. Agnt. or Equip.
Aircraft Assistance	Lav. Div. Exams	Telephone Toll Recs.
Computer Assistance	Lab. Div. Field Supt.	UCO - Group I
Consensual Monitor	Pen Registers	UCO - Group II
ELSUR / FISC	Photograph Coverage	UCO - Other b7C
ELSUR / Title III	Polygraph Assistance	NCAVC / VI - CAP b7E
Eng. Sect. Field Supt.	Search Warrants Exec.	Visual Invest. Anal.
Eng. Sect. Tape Exams	Show Money Usage	Crisis Neg. - Fed.
Hypnosis Assistance	SOG Assistance	Crisis Neg. - Local
Ident Div. Assistance	Swat Team Action	

Accomplishment type •	Accomplishment Date	Serial No. of FD-515
<u>Information</u>	<u>4/15/93</u>	

A. Complaint / Information / Indictment

Also Complete Section I

Serial number _____

Check if Civil / Rico Complaint

B. Arrest / Locate / Summons

Arrest

Federal Local ♦
Subject Priority: A B C

Subject Resisted
 Subject was Armed

Locate

Subject Priority: A B C

Summons

Federal Local ♦

C. Hostage(s) Released

Released by: Terrorists Other

Number of Hostages: _____

H. Final Judicial Process

Conviction

Also Complete Section I

Date of Complaint, Information or Indictment: ____ / ____ / ____

Date of Conviction: ____ / ____ / ____

Date of Sentence: ____ / ____ / ____

Subject Description Code: ____ •

Judicial State: _____ District: _____

Sentence type: ____ X •

Sentence Term:

In-Jail Years	In-Jail Months	Suspended Years	Suspended Months	Probation Years	Probation Months

Fines: \$ _____

D. Recovery / Restitution / Potential Economic Loss Prevented (PELP) X •

Recovery

Federal Local

Restitution

Court Ordered
 Pretrial Agreement

Code • Amount Code • Amount

\$	\$
\$	\$
\$	\$

E. Civil / Rico Matters

Also Complete Section I

Date of Complaint: ____ / ____ / ____

Judgment: ____ •

Judicial Outcome: ____ X •

Fines: \$ _____

Suspension:

Years	Months
-------	--------

F. AFA Payment

Amount: \$ _____

G. Administrative Sanctions

Type:
 Suspension
 Debarment
 Injunction

Length:
 Permanent
 Years Months

Subject Description Code: ____ •

I. U.S. Code Violations

Title	Section	Counts

Title	Section	Counts

Required for Sections A, E, and H (Conviction)

Optional for Section B (arrest)

Acquittal / Dismissal / Pretrial Diversion

Date of Indictment or Information: ____ / ____ / ____

Subject Description Code: ____ •

b6
b7C

J. Subject Information (Required for Sections A, B, D (Restitution), E, F, G, and H)

--	--

Place of Birth (if available)	Social Security No. (if available)
SE	
Crime (IOC) Group. (if checked, also submit form FD-515a)	

* Additional information may be added by attaching another form or a plain sheet of paper for additional entries.

♦ Requires that a written explanation on plain paper be attached. (Court Ordered Restitution does not require a written explanation.)

• See codes on reverse side.

SERIALIZED

INDEXED

FILED

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ACCOMPLISHMENT TYPES

Complaint
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Locate
Summons
Hostage(s) Released
Child Locate
Recovery
Restitution
PELP
Civil/RICO
AFA Payment
Admin. Sanction
Conviction
Pretrial Diversion
Acquittal
Dismissal

01 Cash
02 Stocks, Bonds or Negotiable Instruments
03 General Retail Merchandise
04 Vehicles
05 Heavy Machinery & Equipment
06 Aircraft
07 Jewelry
08 Vessels
09 Art, Antiques or Rare Collections
11 Real Property
20 All Other

PELP CODES

22 Counterfeit
Stocks/Bonds/Currency/
Negotiable Instruments
23 Counterfeit/Pirated
Sound Recordings or
Motion Pictures
24 Bank Theft Scheme Aborted
25 Ransom, Extortion or Bribe
Demand Aborted
26 Theft From or Fraud Against
Government Scheme
Aborted
27 Commercial or Industrial
Theft Scheme Aborted
30 All Other

PROPERTY CODES

BATF Bureau of Alcohol, Tobacco and
Firearms
DEA Drug Enforcement Administration
DOI Department of Interior
FAA Federal Aviation Administration
INS Immigration and Naturalization
Service
IRS Internal Revenue Service
NBIS National NARC Border
Interdiction
RCMP Royal Canadian Mounted Police
USBP U.S. Border Patrol
USCS U.S. Customs Service
USDS U.S. Department of State
USTR U.S. Treasury
ST State
LOC Local
OTHR Other

SENTENCE TYPES

CP Capital Punishment
JS Jail Sentence
LS Life Sentence
NS No Sentence (Subject Died or is Fugitive)
PB Probation
SJ Suspension of Jail Sentence
YC Youth Correction Act

JUDGMENT CODES

CJ Consent Judgment
CO Court Ordered Settlement
DF Default Judgment
DI Dismissal
JN Judgment Notwithstanding
MV Mixed Verdict
SJ Summary Judgment
VD Verdict for Defendant
VP Verdict for Plaintiff

JUDICIAL OUTCOME

AG Agreement
BR Barred/Removed
CC Civil Contempt
DC Disciplinary Charges
FI Fine
PI Preliminary Injunction
PR Temporary Restraining Order
RN Restitution
SP Suspension
VR Voluntary Resignation
OT Other

RACE CODES

B Black
C Chinese
I Indian/American
J Japanese
O Other
U Unknown
W White

**For Further Instructions See:
MAOP, Part II, Section 3.3-5.**

ORGANIZED CRIME SUBJECTS

1F Boss
1G Underboss
1H Consigliere
1J Acting Boss
1K Capodecina
1L Soldier

KNOWN CRIMINALS

2A Top Ten or I.O. Fugitive
2B Top Thief
2C Top Con Man

FOREIGN NATIONALS

3A Legal Alien
3B Illegal Alien
3C Foreign Official W/out
Diplomatic Immunity
3D U.N. Employee W/out
Diplomatic Immunity
3E Foreign Student
3F All Others

OTHERS

8A All Other Subjects
8B Company or Corporation

TERRORISTS

4A Known Member of a
Terrorist Organization
4B Possible Terrorist Member
or Sympathizer

UNION MEMBERS

5D President
5E Vice-President
5F Treasurer
5G Secretary/Treasurer
5H Executive Board Member
5I Business Agent
5J Representative
5K Organizer
5L Business Manager
5M Financial Secretary
5N Recording Secretary
5P Office Manager
5Q Clerk
5R Shop Steward
5S Member
5T Trustee
5U Other

GOVERNMENT SUBJECTS

6A Presidential Appointee
6B U.S. Senator/Staff
6C U.S. Representative/Staff
6D Federal Judge/Magistrate
6E Federal Prosecutor
6F Federal Law Enforcement Officer
6G Federal Employee - GS 13 & Above
6H Federal Employee - GS 12 & Below
6J Governor
6K Lt. Governor
6L State Legislator
6M State Judge/Magistrate
6N State Prosecutor
6P State Law Enforcement Officer
6Q State - All Others
6R Mayor
6S Local Legislator
6T Local Judge/Magistrate
6U Local Prosecutor
6V Local Law Enforcement Officer
6W Local - All Others
6X County Commissioner
6Y City Councilman

BANK EMPLOYEES

7A Bank Officer
7B Bank Employee

Accomplishment Report
(Submit within 30 days from date of accomplishment)

Report Date: ____/____/____

From: SAC, Los Angeles

Does Accomplishment Involve: (check all that apply)	
Drugs	<input type="checkbox"/>
A Fugitive	<input type="checkbox"/>
Bankruptcy Fraud	<input type="checkbox"/>
Computer Fraud/Abuse	<input checked="" type="checkbox"/>
Corruption of Public Officials	<input type="checkbox"/>
Forfeiture Assets	<input type="checkbox"/>

File Number
139C-4A-127588

Stat Agent Sec Sec No
[Redacted]

RA Squad
[Redacted] 0015

Task Force
[Redacted]

Assisting Joint Agencies X
1.
2.

Assisting Agents Sec Sec No X
[Redacted]

Squad Supervisor
approval (please initial)

Accomplishment type •	Accomplishment Date	Serial No. of FD-515
Indictment	4/21/93	

Investigative Assistance or Technique Used

1 = Used, but did not help
2 = Helped, minimally

3 = Helped, substantially
4 = Absolutely essential

IAT	IAT	IAT
Financ. Analyst Asst.	Informant Info.	Tech. Agnt. or Equip.
Aircraft Assistance	Lav. Div. Exams	Telephone Toll Recs.
Computer Assistance	Lab. Div. Field Supt.	UCO - Group I
Consensual Monitor	Pen Registers	UCO - Group II
ELSUR / FISC	Photograph Coverage	b6 UCO - Other b7C
ELSUR / Title III	Polygraph Assistance	b7E NCAVC / VI - CAP
Eng. Sect. Field Supt.	Search Warrants Exec.	Visual Invest. Anal.
Eng. Sect. Tape Exams	Show Money Usage	Crisis Neg. - Fed.
Hypnosis Assistance	SOG Assistance	Crisis Neg. - Local
Ident Div. Assistance	Swat Team Action	

A. Complaint / Information / Indictment

Also Complete Section I

Serial number _____

Check if Civil / Rico Complaint **B. Arrest / Locate / Summons****Arrest**

Federal Local ♦
Subject Priority: A B C

Subject Resisted
 Subject was Armed

LocateSubject Priority: A B C**Summons**

Federal Local ♦

C. Hostage(s) ReleasedReleased by: Terrorists Other

Number of Hostages: _____

H. Final Judicial Process**Conviction**

Also Complete Section I

Date of Complaint, Information or Indictment: ____/____/____

Date of Conviction: ____/____/____

Date of Sentence: ____/____/____

Subject Description Code: ____ •

Judicial State: _____ District: _____

Sentence type: ____ X •

Sentence Term: _____

In-Jail Years	Suspended Years	Probation Months	Years	Months

Fines: \$ _____

D. Recovery / Restitution / Potential Economic Loss Prevented (PELP) X •

Recovery
 Federal Local

Code •	Amount	Code •	Amount
\$		\$	
\$		\$	
\$		\$	

Restitution
 Court Ordered
 Pretrial Agreement

E. Civil / Rico Matters

Also Complete Section I

Date of Complaint: ____/____/____

Judgment: _____ •

Judicial Outcome: ____ X •

Fines: \$ _____

Suspension:

Years	Months

F. AFA Payment

Amount: \$ _____

G. Administrative Sanctions

Type:
 Suspension
 Debarment
 Injunction

Length:
 Permanent
 Years Months

Years	Months

Subject Description Code: ____ •

I. U.S. Code Violations

Title	Section	Counts	Title	Section	Counts

Required for Sections A, E, and H (Conviction)

Optional for Section B (arrest)

Acquittal / Dismissal / Pretrial Diversion

Date of Indictment or Information: ____/____/____

Subject Description Code: ____ •

<input type="checkbox"/> Federal
<input type="checkbox"/> Local ♦
<input type="checkbox"/> Felony
<input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Plea
<input type="checkbox"/> Trial

<input type="checkbox"/> Felony
<input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Plea
<input type="checkbox"/> Trial

J. Subject Information (Required for Sections A, B, D (Restitution), E, F, G, and H)

Name <u>Kevin Lee Payson</u>	Date of Birth <u>10/16/85</u>	Race • <u>W</u>	Sex <u>M</u>	Place of Birth (if available) <u>Pasadena, Ca</u>	Social Security No. (if available) <u>556-25-6714</u>
------------------------------	-------------------------------	-----------------	--------------	---	---

Subject Related to an LCN, Asian Organized Crime (AOC), or Italian Organized Crime (IOC) Group. (if checked, also submit form FD-515a-)

* Additional information may be added by attaching another form or a plain sheet of paper for additional entries.

♦ Requires that a written explanation on plain paper be attached. (Court Ordered Restitution does not require a written explanation)

* See codes on reverse side.

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Civil/RICO
AFA Payment
Admin. Sanction
Conviction
Pretrial Diversion
Acquittal
Dismissal

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22 Counterfeit
Stocks/Bonds/Currency/
Negotiable Instruments
23 Counterfeit/Pirated
Sound Recordings or
Motion Pictures
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25 Ransom, Extortion or Bribe
Demand Aborted
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Government Scheme
Aborted
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Theft Scheme Aborted
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03 General Retail Merchandise
04 Vehicles
05 Heavy Machinery & Equipment
06 Aircraft
07 Jewelry
08 Vessels
09 Art, Antiques or Rare Collections
11 Real Property
20 All Other

JOINT AGENCY CODES

BATF Bureau of Alcohol, Tobacco and
Firearms
DEA Drug Enforcement Administration
DOI Department of Interior
FAA Federal Aviation Administration
INS Immigration and Naturalization
Service
IRS Internal Revenue Service
NBIS National NARC Border
Interdiction
RCMP Royal Canadian Mounted Police
USBP U.S. Border Patrol
USCS U.S. Customs Service
USDS U.S. Department of State
USTR U.S. Treasury
ST State
LOC Local
OTHR Other

SENTENCE TYPES

CP Capital Punishment
JS Jail Sentence
LS Life Sentence
NS No Sentence (Subject Died or is Fugitive)
PB Probation
SJ Suspension of Jail Sentence
YC Youth Correction Act

JUDGMENT CODES

CJ Consent Judgment
CO Court Ordered Settlement
DF Default Judgment
DI Dismissal
JN Judgment Notwithstanding
MV Mixed Verdict
SJ Summary Judgment
VD Verdict for Defendant
VP Verdict for Plaintiff

JUDICIAL OUTCOME

AG Agreement
BR Barred/Removed
CC Civil Contempt
DC Disciplinary Charges
FI Fine
PI Preliminary Injunction
PR Temporary Restraining Order
RN Restitution
SP Suspension
VR Voluntary Resignation
OT Other

RACE CODES

B Black
C Chinese
I Indian/American
J Japanese
O Other
U Unknown
W White

**For Further Instructions See:
MAOP, Part II, Section 3.3-5.**

ORGANIZED CRIME SUBJECTS

1F Boss
1G Underboss
1H Consigliere
1J Acting Boss
1K Capodecina
1L Soldier

KNOWN CRIMINALS

2A Top Ten or I.O. Fugitive
2B Top Thief
2C Top Con Man

FOREIGN NATIONALS

3A Legal Alien
3B Illegal Alien
3C Foreign Official W/out
Diplomatic Immunity
3D U.N. Employee W/out
Diplomatic Immunity
3E Foreign Student
3F All Others

OTHERS

8A All Other Subjects
8B Company or Corporation

TERRORISTS

4A Known Member of a
Terrorist Organization
4B Possible Terrorist Member
or Sympathizer

UNION MEMBERS

5D President
5E Vice-President
5F Treasurer
5G Secretary/Treasurer
5H Executive Board Member
5I Business Agent
5J Representative
5K Organizer
5L Business Manager
5M Financial Secretary
5N Recording Secretary
5P Office Manager
5Q Clerk
5R Shop Steward
5S Member
5T Trustee
5U Other

GOVERNMENT SUBJECTS

6A Presidential Appointee
6B U.S. Senator/Staff
6C U.S. Representative/Staff
6D Federal Judge/Magistrate
6E Federal Prosecutor
6F Federal Law Enforcement Officer
6G Federal Employee - GS 13 & Above
6H Federal Employee - GS 12 & Below
6J Governor
6K Lt. Governor
6L State Legislator
6M State Judge/Magistrate
6N State Prosecutor
6P State Law Enforcement Officer
6Q State - All Others
6R Mayor
6S Local Legislator
6T Local Judge/Magistrate
6U Local Prosecutor
6V Local Law Enforcement Officer
6W Local - All Others
6X County Commissioner
6Y City Councilman

BANK EMPLOYEES

7A Bank Officer
7B Bank Employee

TO: US MARSHAL SERVICE - SAN FRANCISCO (NORTHERN CAL DIST)
FM: FBI LOS ANGELES

THIS IS YOUR AUTHORITY TO DETAIN KEVIN LEE POULSEN. U.S. MAGISTRATE EDWARDS, CENTRAL DISTRICT OF CALIFORNIA, HAS AUTHORIZED THE ISSUANCE OF A FEDERAL WARRANT, CHARGING POULSEN WITH VIOLATION OF TITLE 18, U.S. CODE, SECTION 371, 1029, 1030, 1341, 1957, 2511, AND RECOMMENDS NO BAIL ON THIS FEDERAL CHARGE. THEREFORE, IN THE EVENT THAT POULSEN POSTS BAIL ON YOUR CHARGE, YOU ARE TO HOLD HIM FOR FEDERAL CUSTODY.
IN REPLY, PLEASE REFER TO OUR FILE 139C-LA-127588.

AUTHORITY: CHARLIE J. PARSONS
SPECIAL AGENT IN CHARGE
FBI LOS ANGELES VSF

MESSAGE FROM FBI LOS ANGELES
SYSTEM MESSAGE NUMBER A050001BD

310-477-6565 AT 15:53:27, 06/01/93

OUTPUT MSG 008, FROM FBI4 06/01/93 15:53

139C-LA-127588-183

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 1 1993	
FBI - LOS ANGELES	

[Handwritten signatures and initials over the stamp]

TTY-03
State Teletype Detainer
(Revised July, 1990)

FEDERAL BUREAU OF INVESTIGATION



STATE TELETYPE DETAINER

TO: U.S. Marshal - San Francisco

DATE: 6/1/93

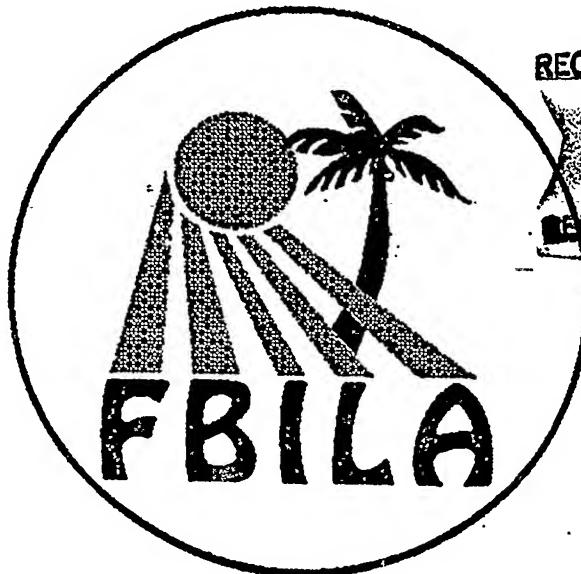
THIS IS YOUR AUTHORITY TO DETAIN Kevin Lee Poulsen,
BOOKING NUMBER _____, CHARGED LOCALLY WITH _____.
(AUSA/U.S. MAGISTRATE) Edwards, Central DISTRICT
OF CA HAS AUTHORIZED THE ISSUANCE OF A FEDERAL
(WARRANT/COMPLAINT), CHARGING Poulsen WITH VIOLATION OF
TITLE 18, U.S. CODE, SECTION 371, 1024, 1030, 1341
1957 + 2511, AND RECOMMENDS (BAIL/NO BAIL) \$ _____ ON
THIS FEDERAL CHARGE. THEREFORE, IN THE EVENT THAT Poulsen
POSTS BAIL ON YOUR CHARGE, YOU ARE REQUESTED TO HOLD (HIM/HER)
FOR FEDERAL CUSTODY.

IN REPLY, PLEASE REFER TO OUR FILE 139C -IA- 127588.

AUTHORITY:
CHARLIE J. PARSONS
SPECIAL AGENT IN CHARGE
FBI LOS ANGELES



FEDERAL BUREAU OF INVESTIGATION
LOS ANGELES FIELD OFFICES
11000 WILSHIRE BLVD., SUITE 1700
LOS ANGELES, CA. 90024
TELEPHONE (213)477-6565 FACSIMILE (213)445-3507



FACSIMILE

REC.

INT.

DATE
TIME

SENT

INT.

0-1-23
330pm
DATE
TIME

CLASSIFICATION:
TOP SECRET
SECRET
CONFIDENTIAL
UNCLAS E F T O
UNCLAS

PRECEDENCE:
IMMEDIATE
PRIORITY
ROUTINE

TO: U.S. Marshall SF

ATTENTION:

FAX #: (415) 556-1472 / (415) 556-1425

b6
b7C

FROM: SA

TELEPHONE: (710) 996-3611

SUBJECT: Kevin Poulsen

PAGES SENT (INCLUDING COVER PAGE): 26

DATE: 6/11/93

APPROVED:

13AC-LA-21588
SEARCHED — 184
INDEXED
SERIALIZED QW
FILED QW

171L-U4A1-CW0

United States District Court

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

KEVIN LEE POULSEN

WARRANT FOR ARREST

CASE NUMBER: CR-93-376

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest KEVIN LEE POULSEN

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

 Indictment Information Complaint Order of court Violation Notice Probation Violation Petitioncharging him or her with ~~and description of offense~~

Conspiracy;

Fraud in Connection with Access Devices;

Computer Fraud;

Mail Fraud;

Money Laundering;

Removal of Property to Prevent Seizure; 371;

Interception of Wire or Electronic Communications; 1029;

Causing an Act to Be Done 1030(a)(4); 2511;

in violation of Title 18 United States Code, Section(s) 1341, 2

Rec'd	3 29 PM
U.S. MARSHAL'S SERV	54
LOS ANGELES, CALIFORNIA	22383

RECEIVED

Leonard A. Brosnan

Name of Issuing Officer

Signature of Issuing Officer

Clerk of Court

Title of Issuing Officer

APRIL 21, 1993 LOS ANGELES, CALIF.

Date and Location



Federal Bureau of Investigation

Special Agent

by MAGISTRATE JUDGE EDWARDS

Name of Judicial Officer

RETURN

With the arrest of the above-named defendant at

SIGNATURE OF ARRESTING OFFICER

11000 Wilshire Blvd. #1700
Los Angeles, CA 90024(310) 477-6565
(310) 996-

CR - 12 (11/86)

** TOTAL PAGE .002 **

P.002

0100 MRI 01811

RR FBILA

DE FBILA #0037 1682116

ZNR UUUUU

R 172107Z JUN 93

FM FBI LOS ANGELES (189C-LA-127588) (WCC-3) (P)

TO FBI DALLAS/ROUTINE/

BT

UNCLAS

CITE# //3410:0029//

SUBJECT: KEVIN POULSON, ET AL; IOC; OO: LOS ANGELES.

RE 6/2/93 TELEPHONIC CONVERSATION BETWEEN DALLAS SSA

[REDACTED] AND LOS ANGELES SA [REDACTED]

FOR THE INFORMATION OF THE DALLAS FIELD OFFICE, ON MAY
26, 1993, LOS ANGELES DIVISION SA [REDACTED] WAS
NOTIFIED BY POSTAL INSPECTOR [REDACTED] LOCATED IN
DALLAS, TEXAS THAT SPECIAL AGENT (SA) [REDACTED] OF U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) - OFFICE OF
INSPECTOR GENERAL (OIG) IN SAN FRANCISCO, CALIFORNIA HAD
RECEIVED A SUSPICIOUS TELEPHONE CALL FROM AN INDIVIDUAL

b6
b7c

TFI FTYPE

13910-14-135 [REDACTED]
SEARCHED _____
INDEXED _____
SERIALIZED (u) _____
FILED (u) _____
GJK-185
File 607
6-21-93

PAGE TWO DE FRILA 0037 UNCLAS

IDENTIFYING HIMSELF AS [REDACTED] POSTAL INSPECTOR. THE TELEPHONE CALL WAS RECEIVED AT SA [REDACTED] UNLISTED HOME TELEPHONE NUMBER AT APPROXIMATELY 8:30 P.M. ON TUESDAY, 5/4/93. THE CALLER MADE EXTENSIVE INQUIRIES INTO A HHS-OIG INVESTIGATION INTO THE ACTIVITIES OF ERIC HEINZ, WHOSE TRUE NAME IS JUSTIN TANNER PETERSON. SA [REDACTED] TERMINATED THE TELEPHONE CALL WHEN SHE CAME TO SUSPECT THE TRUE IDENTITY OF THE CALLER. [REDACTED] AND SA [REDACTED] SPECULATED THAT CALLER MAY HAVE BEEN PETERSON, BECAUSE THE CALLER WAS ACQUAINTED WITH THE PETERSON'S ALIAS OF ERIC HEINZ AND THE CALLER'S FAMILIARITY WITH THE HHS-OIG INVESTIGATION INTO THE FRAUDULENT USE OF SOCIAL SECURITY NUMBER.

THE SUBJECT OF THE HHS-OIG INVESTIGATION, JUSTIN TANNER PETERSON, IS UNDER A PLEA AGREEMENT WITH THE U.S. ATTORNEY'S OFFICES IN DALLAS, TEXAS AND LOS ANGELES, CALIFORNIA FOR COMPUTER FRAUD VIOLATIONS AND HAS COOPERATED WITH COMPUTER FRAUD INVESTIGATIONS IN LOS ANGELES.

AFTER CONCLUDING THE CONVERSATION WITH [REDACTED] SA [REDACTED] IMMEDIATELY ATTEMPTED TO TELEPHONICALLY CONTACT SA [REDACTED] SA [REDACTED] WAS ADVISED THAT SA [REDACTED] HAD JUST LEFT THE OFFICE AND WOULD BE OUT UNTIL THE FOLLOWING MONDAY. ON

b6
b7C

b6
b7C

PAGE THREE DE FBILA #0037 UNCLAS

6/2/93, SA [REDACTED] TELEPHONICALLY CONTACTED SA [REDACTED] SHE CONFIRMED THE INFORMATION RECEIVED FROM [REDACTED] AND WAS GOING TO PREPARE A REPORT CONCERNING THE INCIDENT. SHE FURTHER ADVISED THAT THERE WAS A FRAUD CASE OF WHICH THE SUBJECT WAS JUSTIN TANNER PETERSON. THE CASE AGENT WAS SA [REDACTED] LOCATED IN SANTA ANA, CALIFORNIA, TELEPHONE NUMBER [REDACTED]

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HHS-OIG SA [REDACTED] WAS TELEPHONICALLY CONTACTED CONCERNING HIS INVESTIGATION OF PETERSON. HE CONFIRMED THAT HE WAS INVESTIGATING THE USE OF A FALSE SOCIAL SECURITY NUMBER BY PETERSON TO OBTAIN DISABILITY BENEFITS. HE WAS ALSO HANDLING THE MATTER OF THE CALL TO SA [REDACTED] SA [REDACTED] WAS ADVISED BY SA [REDACTED] THAT THE ASSISTANT U.S. ATTORNEY (AUSA) ASSIGNED HANDLING PETERSON'S MATTER WAS AUSA [REDACTED] SA [REDACTED] AND SA [REDACTED] AGREED TO MAINTAIN CONTACT CONCERNING THIS MATTER.

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IF ANY FURTHER INFORMATION IS REQUESTED BY DALLAS, IT IS SUGGESTED THAT CONTACT BE MADE WITH SA'S [REDACTED] OR [REDACTED] IN THE LOS ANGELES FIELD OFFICE.

BT

#0037

NNNN

Memorandum



To : SAC, LOS ANGELES (139C-LA-127588) (P) Date 6/24/93

From : SA [redacted] (CE-6)

Subject: JUSTIN TANNER PETERSEN;
IOC;
OO: LOS ANGELES

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On 6/23/93, KEVIN POULSEN, a co-conspirator of captioned subject, testified for the first time in a suppression hearing concerning San Francisco FBI charges pending against him.

Per approval of ASAC CURRAN, SAs [redacted] and [redacted] attended the hearing in San Jose, California.

POULSEN's declarations during this suppression hearing may not be used as incriminating evidence against him and subsequent legal action, however, his statements may be used to impeach his veracity during any of the proceedings scheduled to occur in the Central District of California.

POULSEN testified for approximately one half hour and as a result, the Judge is seriously considering the suppression of evidence seized by the FBI in a storage locker located in Menlo Park and some evidence at POULSEN's apartment in San Francisco. The issue at hand concerning the storage locker, is whether the owner of the storage facility had the authority to determine POULSEN's property "abandoned" and thereby, provided the contents of POULSEN's locker to the FBI. Defense attorneys are also challenging the consent search conducted by the SUNNYVALE POLICE DEPARTMENT at POULSEN's apartment as exceeding the scope of the consent. Additionally, the defense contends that the seizure of POULSEN's computer tape from his apartment over his objections, required a search warrant to review the contents on the tape.

POULSEN's trial in San Francisco is currently scheduled for October 25, 1993. Motions are currently being submitted to USDC to have POULSEN appear for a preliminary hearing in Los Angeles and to possibly schedule a trial date in Los Angeles prior to POULSEN's trial in San Francisco.

SEO/Bab
(2)

[redacted]: Please do an update
on our case in GA;
i.e., Status of
GA case in USDC?

139C-GA-127588
Jr. J 91-J 86

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11 IN THE UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,)	No. CR 89-20123 RMW
14 v.)	GOVERNMENT'S OPPOSITION
15 KEVIN L. POULSEN,)	TO DEFENDANT POULSEN'S
)	MOTION TO SUPPRESS
)	<u>STATEMENTS AND EVIDENCE</u>
)	

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14 v.) Plaintiff,) GOVERNMENT'S OPPOSITION
15 KEVIN L. POULSEN,)) TO DEFENDANT POULSEN'S
16)) MOTION TO SUPPRESS
17)) STATEMENTS AND EVIDENCE
18))
19))
20))
21))
22))
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24))
25))
26))

17 Plaintiff, the United States of America, by and through
18 its undersigned counsel, respectfully opposes the defendant's
19 motion to suppress statements and evidence on the grounds set
20 forth below.

21 FACTS

22 1. The Search Of The Storage Locker.

23 On April 28, 1987, the defendant rented a storage locker
24 at Menlo-Atherton storage under an alias, "John Anderson." At
25 that time "John Anderson" signed a written rental agreement, a
26 copy of which is attached as Exhibit 1. Paragraph seventeen of

1 that agreement advised the renter that if the rent for the
2 storage locker was fourteen days overdue, "occupant's stored
3 property will be subject to a claim of lien. . . and may be sold
4 to satisfy the lien. . ."

5 On January 8, 1988, the Menlo Park storage facility
6 mailed a preliminary lien notice to "John Anderson" at the
7 address provided by him, a copy of which is attached as Exhibit
8 2. This notice stated that the rent was 71 days late and that
9 \$155.50 was due and owing. It also provided that "[i]f this sum
10 is not paid in full within 14 days from the date of this notice
11 your right to use the storage space. . . will terminate, you will
12 be denied access, and an owner's lien on any stored property will
13 be imposed."¹

14 On February 2, 1988, a second preliminary lien notice was
15 issued, a copy of which is attached as Exhibit 3. This notice
16 stated that "Anderson's" rent was now 98 days late. It further
17 reflected that "Anderson" had paid \$70.00 toward an outstanding
18 balance of \$207.50, leaving an overdue balance of \$162.50.

19 As set forth in the declaration of Larry Tyson, a copy of
20 which is attached as Exhibit 4, he was the operator of the Menlo-
21 Atherton storage facility during the relevant times. On February
22 8, 1988, he entered the storage space rented by "Anderson" in

23
24 1 In what we must hope is merely an oversight, the
25 defendant's motion to suppress nowhere mentions this preliminary
26 lien notice. Instead, the defendant's motion disingenuously
contends that Poulsen promptly responded to the February 2, 1988
preliminary lien notice (Deft.'s motion at 9), and ignores the true
extent of "Anderson's" delinquency.

1 order to assert a lien on the contents. (Tyson declaration,
2 para. 5). Upon entering the storage locker he observed vast
3 amounts of telecommunications equipment and Pacific Bell manuals
4 which appeared to be stolen. (Tyson declaration, para. 5).
5 Tyson transferred all of the property from that storage locker
6 into a locker under his control, and called the police. (Tyson
7 declaration, para. 5). The FBI and Pacific Bell were also
8 notified. On February 9, 1988, the police and a Pacific Bell
9 representative arrived at the storage facility. Tyson permitted
10 them to examine the property in the locker to which he had moved
11 it and allowed them to take possession of it.

12 On February 12, 1988, "Anderson" returned to the storage
13 facility. Tyson called the police and stalled "Anderson" until
14 they arrived. "Anderson" was placed under arrest, and was later
15 determined to be Kevin Poulsen.

16 2. The Defendant's Consensual Interview And Admissions.

17 Poulsen agreed to be interviewed by Detective Neal of the
18 Menlo Park Police Department. The interview was tape recorded,
19 and a transcript of the interview is attached to the defendant's
20 motion to suppress. After covering biographical information and
21 before any substantive questioning, Detective Neal advised the
22 defendant of his Miranda rights:

23 "Okay, before we go any further . . . I want to read
24 you what your rights are, so you have a clear
25 understanding of what legal rights you have, first of
26 all, you have the right to remain silent, anything you
say can and will be used against you in a court of law.
You have the right to talk to a lawyer and have the
lawyer present with you while you are being questioned.
If you can't afford to hire a lawyer, one will be

1 appointed to represent you before any questioning if
2 you wish one. Do you understand each of these rights I
explained to you?

3 P: Yea.

4 N: Having these rights in mind, do you wish to talk to
me now?

5 P: Okay."

6 Transcript at 5..

7 During the interview, Detective Neal determined that the
8 defendant presently worked for Sun Microsystems as a computer
9 systems administrator and had previously been employed at
10 Stanford Research Institute ("SRI"). (Transcript at 6). The
11 defendant admitted that he had placed various items in the
12 storage locker intermittently and not all at once, and that he
13 had accessed the storage locker on approximately thirty
14 occasions. (Transcript at 8-9). He also admitted that he
15 knowingly possessed fraudulent identification documents
16 (Transcript at 10) and that he had entered a Pacific Bell
17 facility using a false PacBell identification card within the
18 last two or three weeks. (Transcript at 12).

19 Detective Neal knew that the defendant had been "involved
20 in the incident in Southern California with Ron Austin."
21 (Transcript at 13).² He also was concerned that when Poulsen's
22 gathering vast amounts of apparently stolen telecommunications
23

24 2 Ron Austin was among the first "computer hackers" ever
25 prosecuted. He and Poulsen had accessed UCLA computers without
26 authority. Their arrest and the prosecution of Austin received
extensive media coverage. Poulsen was not prosecuted because he
was a juvenile.

1 and computer equipment was viewed against the backdrop of his
2 involvement with Austin, that Poulsen's behavior exhibited a
3 "certain trend" (Transcript at 13), and that Poulsen may be
4 unlawfully accessing computer terminals as he had in the past.
5 (Transcript at 16).

6 Poulsen also admitted that he knew that some of the
7 property he was storing in the locker might have been stolen:

8 "N: But you might of had some idea that it was stolen?

9 P: Yes."

10 (Transcript at 17). Nevertheless, Poulsen denied that he was
11 involved in the same type of activity as alleged in the Austin
12 incident:

13 "N: So you're saying . . . that you have not been
14 involved in that same type of activity that occurred
15 back in '83, '84, when your friend Ron Austin was
arrested, and you were involved in a lot of publicity
with regard to that.

16 P: I haven't been continuing that activity at all."

17 (Transcript at 18).

18 3. The Defendant Voluntarily Consents To A Limited
Search Of His Apartment.

19 In order to verify Poulsen's denial of being involved in
20 the same type of activity he had engaged in with Austin,
21 Detective Neal asked whether Poulsen would "be willing to have me
22 take a look at the equipment that you have at your home?"
23 (Transcript at 19). Poulsen initially declined to consent to an
24 inspection of his apartment. (Transcript at 19). When Detective
25 Neal stated that he would obtain a search warrant for Poulsen's
26 residence, Poulsen asked to "call someone and try to get some

1 advice." (Transcript at 19). After the telephone call Poulsen
2 stated that he would rather have Detective Neal obtain a search
3 warrant than consent to a search. (Transcript at 21). Detective
4 Neal did not raise the consent to search issue again. Detective
5 Neal and Poulsen then discussed the amount of bail that might be
6 set and the possible charges that would be filed. (Transcript at
7 22-23). At the conclusion of this discussion, Poulsen stated
8 that he had changed his mind and would consent to a search of his
9 apartment:

10 "P: OK. . . I had a question. . . Actually I've
11 changed my mind, I think it would probably be better
all around if I just let you (unintelligible)."

12 (Transcript at 23). Detective Neal immediately again advised
13 Poulsen that he had the right not to consent:

14 "N: Now again, its totally your choice. I don't want
15 to influence you one way or another."

16 P: (Unintelligible) thinking about it would prob ably
be the best way to go."

17 (Transcript at 23). Poulsen also signed a written consent to
18 search form, a copy of which is attached as Exhibit 5.

19 Poulsen then negotiated with Detective Neal about certain
20 aspects of the search, including whether he would be handcuffed,
21 whether the participating officers would be in uniform or plain
22 clothes, and how intrusive the search would be. (Transcript at
23 23-24). Detective Neal agreed not to handcuff Poulsen, that no
24 uniformed officers would be involved, and that they would not
25 search "every nook and cranny". (Transcript at 23-24). As part
26 of these negotiations, Detective Neal agreed that if Poulsen

1 objected to the police taking any particular item of property, he
2 and Poulsen would discuss it and that the police would not take
3 any item over Poulsen's objection:

4 "P: . . . I just want you to understand that not
5 everything technological is related to your
investigation.

6 N: I appreciate that. . . .

7 P: So, when they searched Ron three-four years ago, .
8 . . .

9 N: Ron Austin?

10 P: Yea, they were taking anything that looked like it
may have anything to do with electronics, . . .

11 N: . . . Like I said we'll respect your property
12 there, okay, if we feel that there's something in
question we'll discuss it, and if you feel your [sic]
reluctant to have us involved with that, you know we
13 can discuss that at the time, . . . if you feel its
something that you don't want to be taken from the
14 property with[out] your consent then we can get a
search warrant, if we feel strong enough about that
15 particular item, to retrieve that by legal means. Does
that sound like it might work out for you?

16 P: Yea, I think so."

17 (Transcript at 23-24).

18 Pursuant to this negotiated agreement with Poulsen, the
19 officers did not enter the defendant's roommate's area (See SA
20 Crumm Search Warrant affidavit, para. 21, a copy of which is
21 attached to the defendant's motion to suppress), and they honored
22 Poulsen's refusal to consent to their taking several antique
23 telephones (SA Crumm Search Warrant affidavit, para. 27).

25 Because the officers limited the scope of their search
26 and their seizure of property pursuant to their agreement with

1 Poulsen, they subsequently obtained a search warrant for
2 Poulsen's apartment which they executed on February 24, 1988.
3 The affidavit in support of this warrant set forth the
4 observations of law enforcement authorities and the Pacific Bell
5 representatives in Poulsen's apartment during the consent search
6 and their analysis of the items removed with the defendant's
7 consent at that time.

8 ARGUMENT

9 1. Law Enforcement Authorities Lawfully Obtained
10 Possession Of The Storage Locker Items.

11 A. The Storage Locker Items Were Seized In A
12 Private Search Which Is Not Within The Scope
13 Of The Fourth Amendment.

14 As the Ninth Circuit stated in United States v. Black,
15 767 F.2d 1334, 1339 (9th Cir. 1985), cert. denied. 474 U.S. 1022
16 (1985), "[a] wrongful search or seizure conducted by a private
17 person does not violate the Fourth Amendment." Although Fourth
18 Amendment interests may be implicated if the private individual
19 acted as an agent of the government, Id., "[t]he burden of
20 establishing government involvement in a private search rests on
21 the party objecting to the evidence." United States v.
22 Snowadzki, 723 F.2d 1427, 1429 (9th Cir. 1984). Here, the
23 defendant has alleged no facts showing that Tyson was acting as
24 an agent for any governmental agency. Consequently, he has
25 totally failed to meet his burden in this regard.

26 Further, no showing of agency could be made here. In
27 Black, the Ninth Circuit stated that "[t]he critical factors [to
28 evaluate in determining whether a private individual was acting

1 as an agent for the government] are: '(1) whether the government
2 knew of and acquiesced in the intrusive conduct, and (2) whether
3 the party performing the search intended to assist law
4 enforcement efforts or to further his own ends.'" 767 F.2d at
5 1334 (citations omitted). Poulsen has not alleged that any
6 governmental entity directed Tyson to enter the storage locker
7 and remove its contents. Further, Tyson's declaration states
8 that he transferred the property into another storage locker in
9 order to assert a lien on it. (Tyson Declaration, para. 5).
10 Even if Tyson wished to aid law enforcement, "merely wishing to
11 aid the government, standing alone, does not suffice to convert a
12 private actor into a government agent." Black; 767 F.2d at 1339
13 (citation omitted). Thus, regardless of whether Tyson was
14 entitled to assert a lien on Poulsen's property, his seizure of
15 it and does not raise any Fourth Amendment issues.

16 B. Poulsen Abandoned The Property In The Storage
17 Locker

18 As an independent basis for denying the defendant's
19 motion to suppress the property recovered from the storage
20 locker, the defendant abandoned any expectation of privacy in the
21 contents of the storage locker by failing to pay the rent for the
22 storage locker within fourteen days of when it was due. The
23 rental agreement which Poulsen signed clearly provided that at
24 any time when the rent was more than fourteen days overdue, the
25 operators of the storage facility could enter the storage locker,
26

1 remove its contents, and sell them.³ Consequently, he no longer
2 had any expectation of privacy in the storage locker after his
3 rent was fourteen days overdue.

4 In entering the storage locker and transferring the
5 contents into a locker under their control, the storage facility
6 employees were exercising their contractual right to dispose of
7 property left in their storage locker for which the rent had been
8 unpaid. Because the storage facility operator had a legal right
9 to sell the property, he had a sufficient possessory interest in
10 the contents of the locker to give them to law enforcement for
11 examination.

12 The defendant attempts to avoid the consequences of being
13 98 days delinquent in paying the agreed upon rent by arguing that
14 "[a]pparently on that date [February 2, 1988, when Poulsen made
15 the \$70.00 partial payment on the overdue rent and when the
16 second preliminary notice of lien was issued], he was given a
17 notice indicating that he had two weeks to pay the difference."
18 (Deft.'s motion at 9). The defendant offers no authority in
19 support of this contention. Further, it ignores the fact that
20 this was the second notice of lien issued and that "Anderson" had

21 ³ Poulsen implied during the interview that he had rented the
22 storage locker under an alias because he never intended to pay the
23 agreed upon rent:

24 "This isn't easy to admit I've [sic] used the name [John
25 Anderson] because (unintelligible) I'm very financially
26 irresponsible. I felt at some point there might be a
problem with me (unintelligible) a storage area, and I
didn't want it to affect my credit rating."

(Transcript at 8).

1 been delinquent in paying rent for the locker for 98 days. This
2 contention also implies that a business person who accepts a
3 partial payment on an overdue obligation waives all of their
4 contractual remedial rights, which would be contrary to public
5 policy. A ruling that a creditor waives all contractual remedial
6 rights by accepting a partial payment would operate as a de facto
7 amendment to the contract without consideration, would bestow
8 additional rights upon the delinquent debtor for not adhering to
9 their contractual obligations, and would create a disincentive
10 for creditors to negotiate with debtors. Consequently,
11 litigation would increase because creditors would be less
12 inclined to accept partial payments and more inclined to sue to
13 enforce their contractual rights. Because the defendant's
14 argument is without legal support and is contrary to public
15 policy, it must fail.

16 **2. Poulsen's Voluntarily Consented To A Limited Search**
17 **Of His Apartment.**

18 In United States v. Castillo, 866 F.2d 1071, 1082 (9th
19 Cir. 1988), the Ninth Circuit identified the five factors to be
20 examined in determining whether a defendant voluntarily consented
21 to a search:

22 "We have previously indicated that several factors
23 must be considered in determining whether consent is
24 voluntary. None of them are dispositive. (citation
25 omitted). These factors include: (1) whether defendant
26 was in custody (citation omitted); (2) whether the
arresting officers have their guns drawn (citation
omitted); (3) whether Miranda warnings have been given
(citation omitted); (4) whether the defendant was told
he has a right not to consent (citation omitted); and
(5) whether defendant was told a search warrant could
be obtained (citation omitted). The fact that some of

1 these factors are not established does not
2 automatically mean that consent was not voluntary.
3 (citation omitted)."

3 Three of these five factors clearly support a finding
4 that Poulsen voluntarily consented to a search of his apartment.
5 Although Poulsen was in custody, Detective Neal did not have his
6 gun drawn. He also advised Poulsen of his Miranda warnings
7 (Transcript at 5), and that he had a right to withhold consent to
8 a search: "Now again, it's totally your choice. I don't want to
9 influence you one way or another." (Transcript at 23. See also
10 Transcript at 21). The defendant's initial decision not to
11 consent demonstrated that he understood that he had such a right.
12 (Transcript at 21). Finally, the defendant was told that a
13 search warrant could be obtained.

14 The defendant contends that his consent to search was
15 coerced by psychological pressure and Detective Neal's statement
16 that he could obtain a search warrant. As shown below, both of
17 these contentions are without merit.

18 A. Poulsen's Consent To The Search Was Not The Product
19 Of Undue Psychological Coercion.

20 The defendant's contention that his consent was the
21 product of undue psychological pressure (Deft.'s motion at 6, 15-
22 16) rests upon repeated mischaracterizations of the interview.
23 He claims that "[a]fter a second refusal to give consent by
24 Poulsen, the officer began emphasizing the difficulty of
25 Poulsen's situation. He told Poulsen that he might have
26 difficulty in raising bail. (Interview, p. 22.)." (Deft.'s
 motion at 6). In fact, Detective Neal emphasized that Poulsen

1 had the right to withhold consent, and merely asked Poulsen
2 whether he would make bail:

3 "Well, you're certainly like I said, entitled to your
4 rights and we certainly respect that. Is there a
5 possibility that you might be able to bail out? On
just for example, on the warrants? Or is that
something that's gonna take a while to happen?

6 . . .
7 We have to know so that when we talk to the jail,
booking desk, their gonna ask you are you gonna bail
out, . . . "

8 (Transcript at 21-22). Detective Neal advised Poulsen that the
9 bail on the six outstanding traffic warrants was \$2,700.00 and
10 what offenses he would be charged with (possession of stolen
11 property and the traffic warrants). (Transcript at 22). He in
12 no way stated or implied that the amount of bail would depend
13 upon whether Poulsen consented to a search. The defendant's
14 contention that Detective Neal stated or implied that Poulsen
15 "might not be able to get out of jail, [or] that bail might be
16 difficult to raise" (Deft.'s motion at 15) is false and belied by
17 the Transcript.

18 Poulsen's claim that Detective Neal emphasized the
19 seriousness of the charges or the penalties (Deft.'s motion at
20 15), is also false, and irresponsible. The Transcript reveals
21 that Detective Neal never emphasized the seriousness of the
22 charges nor discussed the penalties. (Transcript at 22).

23 Similarly, Detective Neal never threatened to rearrest
24 Poulsen or linked the likelihood of a rearrest to whether Poulsen
25 consented to a search. When Poulsen asked if he might be
26 rearrested later, Detective Neal responded that although he would

1 try to avoid that, ultimately it depended on factors yet to be
2 determined:

3 "[w]hat we're going to try and do is get all evidence
4 together now so that when you appear for arraignment
5 that these charges will be filed at that particular
6 time, that's my intent anyway, if for some reason
evidence turns up later on down line, which I'm not
aware of now, then sure you might be arrested later on,
my intent now is to focus in on the investigation with
the information that we have, . . . "

7 (Transcript at 22). This answer was not a threat, and the
8 possibility that Poulsen would be rearrested was in no way linked
9 to whether he consented to a search. There was no coercion here.

10 The fact that Poulsen initially refused consent,
11 subsequently changed his mind, and then negotiated certain
12 conditions to the search further establishes that his consent to
13 the search was voluntary and not the product of coercion.
14

15 B. Detective Neal's Advising Poulsen That A Warrant
16 Could Be Obtained Does Not Vitiate The Voluntariness
17 Of Poulsen's Consent To The Search.

18 As the Ninth Circuit ruled in United States v. Kaplan,
19 895 F.2d 618, 622 (9th Cir. 1990), a law enforcement officer's
20 representation that obtaining a search warrant was a fait
accompli does not render consent to search involuntary if the
officer could have obtained a warrant:
21

22 "consent is not likely to be held invalid where an
23 officer tells a defendant that he could obtain a search
24 warrant if the officer had probable cause upon which a
25 warrant could issue. See United States v. Calvente,
26 722 F.2d 1019, 1023 (2d Cir. 1983), cert. denied, 471
U.S. 1021 (1985) (no coercion where an officer said he
could obtain a warrant if consent were refused but
there was ample evidence to support probable cause);
United States v. Faruolo, 506 F.2d 490 (2d Cir. 1974)
(upholding a consent search where the defendant was
given his Miranda rights, told that he had the right to

1 refuse, and probable cause existed as to the search).

2 The fact that consent was given while under arrest
3 does not, in and of itself, make it involuntary,
4 especially where a defendant was informed of his right
not to consent (citations omitted)."

5 895 F.2d at 622 (emphasis supplied).

6 The facts in Kaplan are strikingly similar to those here,
7 and the Ninth Circuit upheld that search:

8 "Here, appellant was read his Miranda rights, was
9 informed that he had a right to refuse consent, was not
a person lacking in education or understanding, and
there was no evidence of undue force or intimidation.
10 Even if Agent Clayton made it improperly appear to the
11 defendant that the obtaining of a search warrant was a
fait accompli, this error was not fatal under the
circumstances of this case since there was probable
cause to obtain a warrant and it was apparent no
12 coercion was exercised."

13 895 F.2d at 622. Poulsen was read his Miranda rights and clearly
14 understood that he had the right to withhold consent to a search.
15 There was no coercion. Also, probable cause existed to obtain a
16 warrant. Poulsen admitted that he knew that some of the property
17 he stored in the locker might have been stolen (Transcript at 17)
18 and that he had recently entered a Pacific Bell facility using a
19 false identification card (Transcript at 12). Much of the
20 property in the storage locker appeared to be stolen from Pacific
21 Bell. Poulsen stated that he had placed items in the storage
22 locker on approximately 30 occasions and not all at once
23 (Transcript at 9), which suggests an ongoing course of acquiring
24 stolen property. Moreover, Detective Neal was aware of Poulsen's
25 prior involvement with Ron Austin, and was concerned that
26 Poulsen's behavior exhibited a "trend" toward continuing that

1 unlawful activity. Consequently, there was probable cause to
2 believe that Poulsen was obtaining stolen property on an ongoing
3 basis and that he stored the stolen property in his residence
4 until he could move it into the storage locker.

5 Thus, analysis of the five Castillo factors for
6 determining the voluntariness of a consent to search establishes
7 that Poulsen's consent to the search of his residence was
8 voluntary. For this same reason, the subsequent search warrant
9 was not the "fruit of the poisonous tree" (Deft.'s motion at 16),
10 and the defendant's motion to suppress on that ground should be
11 denied.

12 3. Poulsen Consented To The Police Taking The Search
13 Of The Computer Tapes Taken From His Residence.

14 Poulsen consented to law enforcement authorities taking
15 several computer tapes from his residence. (Declaration of
16 Detective Neal, para. 4, a copy of which is attached as Exhibit
17 6) For the reasons set forth above, the defendant's consent to
18 the search of these tapes was voluntary and negotiated. In
19 Florida v. Jimeno, ____ U.S. ___, 111 S.Ct. 1801, 1804 (1991), the
20 Supreme Court held that a suspect's consent to search an area
21 includes consent to search containers within that area:

22 "it was objectively reasonable for the police to
23 conclude that the general consent to search
24 respondent's car included consent to search containers
25 within what car which might bear drugs.
26 . . .
26 A suspect may of course delimit as he chooses the scope
27 of the search to which he consents. But if his consent
28 would reasonably be understood to extend to a
29 particular container, the Fourth Amendment provides no
30 grounds for requiring a more explicit authorization."

1 Poulsen had specifically negotiated for a right to limit
2 the scope of the search and to refuse consent to a seizure of
3 certain items. He exercised that right with respect to the
4 refusing consent to the police entering his roommate's area (SA
5 Crumm affidavit in support of the search warrant, para. 21) and
6 by refusing to consent to the seizure of three antique
7 telephones. (SA Crumm affidavit in support of the search
8 warrant, para. 27). Therefore, it was objectively reasonable for
9 the police to conclude that Poulsen consented to the seizure and
10 subsequent search of the computer tapes.

11 4. In Any Event, The Government Did Not Need A Search
12 Warrant To Examine The Contents Of The Tapes.

13 The defendant's arguments that the government should have
14 obtained a search warrant to examine the computer and cassette
15 tapes recovered from the storage locker and the defendant's
16 apartment rely upon strange interpretations of two statutes and
17 are baseless. He first argues that 18 U.S.C. § 2515 prohibits
18 the use of any intercepted wire or oral communications if the
19 disclosure of the information is in violation of the Electronic
20 Communications Privacy Act (18 U.S.C. § 2510, et. seq.).
21 (Deft.'s motion at 12). This argument is incorrect. The
22 statutory scheme of 18 U.S.C. § 2510, et. seq. is intended to
23 prohibit the interception of electronic and aural communications.
24 The government's act of seizing various computer tapes which
25 turned out to contain telephone and electronic mail
26 communications does not constitute an interception of
communications as that term is defined in 18 U.S.C. § 2510(4):

1 "(4) 'intercept' means the aural or other acquisition
2 of the contents of any wire, electronic, or oral
3 communications through the use of an electronic,
4 mechanical, or other device;".

5 Consequently, the sections of 18 U.S.C. § 2510, et. seq.,
6 regarding intercepted communications do not apply here.
7

8 Further, the defendant's contention that 18 U.S.C. § 2515
9 requires suppression of the contents of the computer and cassette
10 tapes rests upon a construction of that statute which is absurd.
11 18 U.S.C. § 2515 provides:

12 "Whenever any wire or oral communication has been
13 intercepted, no part of the contents of such
14 communication and no evidence derived therefrom may be
15 received in evidence in any trial, hearing, or other
16 proceeding in or before any court. . . if the
17 disclosure of that information would be in violation of
18 this chapter."

19 The defendant's interpretation of this statute would prohibit the
20 government from prosecuting anyone for unlawfully intercepting
21 wire or oral communications in violation of 18 U.S.C. § 2511
22 because the evidence of the crime, the unlawfully intercepted
23 communication, would be inadmissible in court. Such a
24 construction of 18 U.S.C. § 2515 would entirely eviscerate 18
25 U.S.C. § 2511. Alternatively, this Court should construe 18
26 U.S.C. § 2515 as prohibiting the party who unlawfully intercepted
the communication from making use in court of it, while not
prohibiting the government from introducing into evidence the
intercepted communication when it prosecutes the eavesdropper.
This interpretation would prevent parties from benefitting from
their own unlawful interception of communications while
permitting the prosecution of such individuals. Obviously, this

1 latter interpretation is far more sensible than the first, and
2 avoids construing 18 U.S.C. § 2515 in a manner that renders 18
3 U.S.C. § 2511 meaningless. After all, the defendant, not the
4 government, intercepted and/or recorded the communications at
5 issue here.

6 The fact that the defendant is not an aggrieved person
7 under 18 U.S.C. § 2510(11) further illustrates the
8 inappropriateness of his attempt to use the Electronic
9 Surveillance Act to suppress evidence here:

10 "(11) 'aggrieved person' means a person who was
11 a party to any intercepted wire, oral, or electronic
12 communication or a person against whom the interception
13 was directed[.]"

14 Because the was the perpetrator of illegal wiretaps in this case
15 rather than the victim of them, he is not an aggrieved person
16 under 18 U.S.C. § 2510(11). That 18 U.S.C. § 2515 is not
17 intended to prevent the government from introducing an illegally
18 intercepted communication into evidence against the person who
19 performed the illegal interception, Court's have ruled that
20 "Section 2515 'serves not only to protect the privacy of
21 communications but also to ensure that the courts do not become
22 partners to illegal conduct. . . '" In Re Grand Jury
23 Proceedings, 613 F.2d 1171, 1175 (D.C. Cir. 1979). Where the
24 government seeks to introduce the illegal wiretap into evidence
25 in a prosecution of the interceptor as distinguished from a
26 situation where the wrongdoer seeks to introduce the unlawfully
obtained evidence, the Court is in no danger of becoming a
"partner to illegal conduct." Moreover, the government did not

1 intercept any communications in this case as that term is defined
2 in 18 U.S.C. § 2510(4). For these reasons, the defendant's
3 attempted use of the Electronic Surveillance Act to suppress the
4 evidence which he unlawfully obtained must be denied.

5 The defendant's reference to 18 U.S.C. § 2701, et seq, as
6 requiring "that the government obtain a warrant before it may
7 access the contents of electronic communications in electronic
8 storage for less than 180 days" (Deft.'s motion at 13) is
9 entirely misleading. That statutory framework is directed toward
10 preventing unlawful access to a telecommunications facility
11 (which is exactly what Poulsen did). 18 U.S.C. § 2701 states
12 that it shall be unlawful to:

13 "(1) intentionally access without authorization a
14 facility through which an electronic communication
service is provided; or

15 (2) intentionally exceed an authorization to access
16 that facility;

17 and thereby obtain, alter, or prevent authorized access
18 to a wire or electronic communication while it is in
electronic storage in such system. . . "

19 Poulsen's attempt to use 18 U.S.C. § 2703(a) is equally
desperate. That statute states in pertinent part:

20 "A governmental entity may require the disclosure by a
21 provider of electronic communication service of the
contents of an electronic communication, that is in
22 electronic storage in an electronic communications
system for one hundred and eighty days or less, only
23 pursuant to a warrant issued under the Federal Rules of
Criminal Procedure or equivalent State warrant..."

24 (emphasis added). Clearly, Poulsen was not a "provider of
25 electronic communication service" under the statute. Thus, 18
26 U.S.C. § 2701, et seq, does not bar the government from

1 searching the computer tapes obtained from Poulsen and using the
2 contents of those tapes against him.

3 5. The Defendant Has Failed To Allege Facts Necessary
4 To Warrant A Franks Hearing.

5 A. The Defendant Cannot Challenge The Veracity
6 Of The Nongovernmental Informant.

7 The defendant alleges no intentionally or recklessly
8 false statements or omissions by the affiant in the affidavit in
9 support of the search warrant, SA Phillip Crumm, FBI. (Deft.'s
10 motion at 16-20, 23-25). He only alleges that the informant, Mr.
11 Von Brauch, made false statements to SA Crumm. He also does not
12 allege that SA Crumm knew that Mr. Von Brauch's alleged false
13 statements were false. However, the Ninth Circuit has held that
14 such allegations are insufficient to warrant a Franks hearing:

15 "Allegations that statements reported in the affidavit
16 and made to the affiant are false are not sufficient to
17 satisfy the requirements for a Franks hearing unless
18 the defendant contends that the affiant has
19 misrepresented the statements made by another."

20 United States v. Perdomo, 800 F.2d 916, 921 (9th Cir. 1986).

21 This holding is mandated by Franks v. Delaware, 438 U.S. 154, 171
22 (1977): "The deliberate falsity or reckless disregard whose
23 impeachment is permitted today is only that of the affiant, not
24 of any nongovernmental informant." Mr. Von Brauch is a
25 nongovernmental informant. Consequently, the defendant cannot
26 obtain a Franks hearing.

27 B. If The Challenged Statements Are Deleted From
28 The Search Warrant Affidavit, The Affidavit Still
29 Sets Forth Probable Cause.

30 In order to obtain a Franks hearing "the challenged

1 statements must be necessary to find probable cause." United
2 States v. Perdomo, 800 F.2d 916, 920 (9th Cir. 1986). When the
3 challenged statements are deleted, the following facts remain:
4 (1) most of the property removed from the storage locker had been
5 stolen from Pacific Bell (para. 13); (2) Poulsen admitted having
6 obtained and used a false drivers license and a false birth
7 certificate (para. 17); (3) Poulsen admitted knowing that at
8 least one item in the storage locker might have been stolen
9 (para. 17); the law enforcement agents had observed lockpicks in
10 Poulsen's apartment (para. 19); (4) Poulsen had an unauthorized
11 telephone hookup (para. 22); (5) Poulsen had a 660 communications
12 pannel which had been stolen from Pacific Bell, which was hooked
13 up to a keyboard and other sophisticated test equipment stolen
14 from Pacific Bell, and which could have been used to gain access
15 to telephone lines without authorization (paras. 22-23)⁴; (5)
16 that the 660 communications pannel "made it possible to
17 communicate directly with Pacific Bell computers" (paras 22-23);
18 (6) that the defendant may have altered data within Pacific
19 Bell's computers (para. 24(a)); and (7) that the defendant had
20 unlawfully used an altered Pacific Bell identification card to
21 enter a Pacific Bell facility (para. 29). These facts establish

22 ⁴ Poulsen's only objections to this portion of the warrant
23 are unsubstantial. He disputes that the "only" purpose of the
24 660 communications pannel was to gain access to telephone lines
25 without authorization and that "nothing about the equipment made
26 it possible to listen to 'any conversation' on Pacific Bell
telephone lines." (Declaration of defendant's counsel, paras.
13-14). Thus, the defendant does not dispute that the 660
communications pannel could be used to access telephone lines
without authorization.

probable cause that the defendant had unlawfully intercepted telephonic communications in violation of 18 U.S.C. §§ 2511 and 2512. For this reason also, the defendant has not alleged facts necessary to obtain a Franks hearing.

CONCLUSION

WHEREFORE, for the foregoing reasons, the defendant has failed to allege facts necessary to obtain an evidentiary hearing on any issue and his motion to suppress statements and evidence should be denied in all respects.

Dated: November 16, 1992.

Respectfully submitted,

JOHN A. MENDEZ .
United States Attorney

ROBERT K. CROWE
Assistant United States Attorney

Menlo - Atherton, Storage

3757 haven avenue, menlo park, ca 94025 (415) 366-3757

RENTAL AGREEMENT

NOTICE: YOUR STORED PROPERTY WILL BE SUBJECT TO A CLAIM OF LIEN FOR UNPAID RENT AND OTHER CHARGES AND MAY BE SOLD TO SATISFY THE LIEN IF THE RENT OR OTHER CHARGES DUE REMAIN UNPAID FOR FOURTEEN (14) CONSECUTIVE DAYS. THIS LIEN AND ITS ENFORCEMENT IS AUTHORIZED BY CHAPTER 10 (COMMENCING WITH SECTION 21700) OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE.

OCCUPANT: (Information)

LEASE # 476478-0063

Last ANDERSON, First JON Middle _____

Street Address 1267 RALENSWOOD

City MENLO PARK State CA Zip 94025

Phone [Res] (415) 322-1002 , [Wrk] () - #

DL# CZ480622 State CA SS# 555-67-2912

VISA / MC / AEC # _____ Exp Date /

PLEASE PROVIDE THE NAME AND ADDRESS OF ANOTHER PERSON TO WHOM ANY PRELIMINARY LIEN NOTICE AND/OR SUBSEQUENT NOTICES MAY BE SENT: (If None Occupant's Initials)

Last _____, First _____ Middle _____

Street Address _____

City _____ State _____ Zip _____

Phone [Res] () - , [Wrk] () - #

SPACE: Building # 01 Space # 216 Approximate Size 325 In Square Feet

Parking Space * P Mail Box Space * M B

*01. (\$01) Term: Tenancy shall commence on TUES day, April 26 1987.

*02. (\$02) Rent: Shall be due and paid in advance of the 28th day of the month.

*03. MONTHLY CHARGES:

*04. (\$02) Rent: (Monthly Rent)..... 112.00

*05. (\$05) Access: (Extended Gate Hours Charge)..... 10.00 24 H.

*06. (\$15) Use of Electric Power: (Special Use)..... 10.00

*07. Misc. Charges: (.....) .. 10.00

*08. TOTAL MONTHLY CHARGES: 132.00

*09. FEES / DEPOSITS:

*10. Contract Fee: (non refundable)..... 10.00

*11. (\$03) Security Deposit: (Refundable)..... 15.00

*12. TOTAL FEES / DEPOSITS: 25.00

*13. TOTAL AMOUNT NOW DUE: \$ 132.00

*14. TOTAL AMOUNT RECEIVED: \$ 132.00

[_____ Occupant's Initials if #14 includes prepaid eleven (11) months rent]

*15. SPECIAL ASSESSMENT FEES / CHARGES:

*16. (\$02) Rent: (Late Rent Fee) 7.50

*17. (\$02) Rent: (Returned Check Charge) 10.00

*18. (\$14) Security of Space: (Lock removal) 15.00

*19. (\$15) Use of Electric Power: (Space Light Left On) 10.00 per day

*20. (\$17) Notice Fees: (Notice & Lien Fees) 25.00

11950 C.L.

This Rental Agreement is executed in duplicated this TUES day of April 26, 1987, by and between MENLO-ATHERTON, STORAGE ("OWNER") and person listed above as ("OCCUPANT").

[_____ Occupant's Initials] © 1986 RENTAL AGREEMENT vs 3.2

[Page 1 of 4]

EXHIBIT 1

Menlo - Atherton, Storage

3757 haven avenue, menlo park, ca 94025 (415)366-3757

RULES AND REGULATIONS

01. GATE HOURS & GATE ACCESS CODE: The facility regular gate hours are from 7:00 AM to 6:00 PM each day except for Sundays, and Holidays on which the facility will be closed. For security and safety reasons, Occupant shall not enter the facility other than during assigned gate hours.

Occupant or co-Occupant shall not divulge Occupant's gate access code number to any other person without a first receiving written permission from Owner to do so.

02. OFFICE HOURS: The facilities office hours are from 9:00 AM to 5:00 PM each day except-for-Sundays,Wednesdays and Holidays..

03. USE OF FACILITY AND SPACE: No person under thirteen (13) years of age nor any animals shall be allowed on facility without express permission of Owner. Occupant is responsible for their quest(s) full compliance with all Rules and Regulations and terms of the Rental Agreement.

Occupant when visiting the facility shall use care to avoid damaging any part of the facility; shall at all times conduct themselves in a peaceful and orderly manner; shall not be under the influence of drugs or alcohol; shall not be threatening or offensive to any employees of Owner. Occupants or other persons on or about the facility or the Tyson Kennel's facility, and shall promptly comply with all requests and directions from Owner's employees. Occupant shall stay back and keep clear of the fencing of Tyson Kennels and shall not interfere with or harass any of the animals at the kennel. Occupant shall remain on the facility only for such reasonable time as is required to access Occupant's space. Occupant shall use only the entrance, driveway, parking areas, hallways, stairs, and lifts required to get to and return from Occupant's space or Office. Occupants shall park in areas designated for specific use by a Occupant and shall not obstruct or block the driveways, entrance way or parking areas, or access to others Occupant's spaces. Occupant shall not loiter or enter any buildings except those in which Occupant's space is located.

Occupant shall read and follow the instructions of the Menlo Park Fire Protection District, which are posted in each space and the facility office. A copy of these instructions may be obtained upon request.

04. VEHICLE OPERATIONS: Occupant shall operate a vehicle in a safe manner at all times and shall not exceed a speed of ten (10) miles per hour. To enter the driveway between storage building the driver may either drive in and back in and then do the reverse to exit, but at no time shall driver attempt to make a U-turn when between any storage buildings. In the event of an accident the Occupant shall notify the Owner immediately. Vehicles shall only enter or exit the facility through the main gates, in the proper directions as marked by arrows, and only after first stop at gate to enter gate access code.

05. LOCKS: Occupant shall secure their space by the using one (1) lock which shall be furnished by Occupant. Occupant shall not provide Owner or Owner's employee's with a key or lock combination. Owner shall have the right to require Occupant to replace any lock that may damage the space or create any problems or annoyance for Owner or other Occupants. Occupant shall notify Owner of any lock attached to Occupant's space which was not furnished by Occupant.

06. UTILITIES: Occupant shall use lights in the Occupant's space only during periods when Occupant is in the space and shall turn off all lights upon leaving (please). Occupant shall pay Owner one (\$1.00) dollar per day for each day Occupant is in violation of the rules on the use of lights. Occupant shall not connect or make use of Owner's electrical power without first receiving Owner written permission. Occupant shall not use water without first receiving Owner's permission to do so.

07. USE OF LIFTS: Occupant shall read and follow Lift Operation Instructions as posted at each lift and the office prior to the use of any lift. If for any reason Occupant does not understand the safe use of the lift or may require help in operating a lift such help is available by request. Lifts are not designed to carry passengers and it is unlawful and forbidden to ride on a lift when in operation.

Menlo - Atherton, Storage

3757 haven avenue, menlo park, ca 94025 (415) 366-3757

RENTAL AGREEMENT

use of the premises.

§12. RELEASE OF OWNER'S LIABILITY: As a further consideration for the use and occupancy of the space and premises, Occupant agrees that Owner, his agents, employees, and assigns shall not be liable to Occupant's, agents, guests, licensees, or invites for any loss or damage, injury or death caused to them or to their property, as the result of the use and occupancy of the space or premises. It is further agreed that the stored property is placed in this space at Occupant's sole risk, and Owner and Owner's agents, employees and assigns shall have no responsibility or liability for any loss or damage to said property from any cause whatsoever, including the active or passive acts, omissions, or negligence of Owner or Owner's agents, employees and assigns other than damage or loss due to Owner or Owner's agents fraud, willful injury or willful violation of the law. Occupant acknowledges that Owner does not warrant or represent that stored property safely kept, nor that it will be secure against hazards caused by rodents, insects, water, fire or the elements of weather or earthquake. It is agreed by Occupant that this release of Owner's liability is a bargained for condition of the rent set forth here, and that were Owner not released from liability as set forth here, a much higher rent would have to be agreed upon.

§13. INSURANCE: Owner does not provide insurance covering Occupant's stored property. Occupant agrees to maintain at Occupant's expense a policy of fire and extended coverage insurance with theft, vandalism and malicious mischief endorsement for the full replacement value of the Occupant's stored property, provided, however, to the extent Occupant does not maintain such insurance, Occupant shall be deemed to have self insured and shall bear the risk of loss or damage which would have been covered under such insurance. This insurance is for the benefit of the both Occupant and Owner. Occupant expressly agrees that the carrier of such insurance shall not be subrogated to any claim of Occupant against Owner, or Owner's agents or employees. Occupant agrees to indemnify and hold harmless Owner from expense, cost, or damage, incurred by reason of any claim or action based in whole or in part upon such subrogation. While certain information may be made available to Occupant with respect to insurance, Owner and Owner's agents or employees are not insurers, and not affiliated with and are not to assist in the explanation of coverage or in making of claims under any insurance policy.

§14. SECURITY OF SPACE: Occupant shall be solely responsible for providing a lock to secure Occupant's space, and shall keep such space closed and lock when not accessing space. Occupant shall only place one single (1) lock on the door of a storage space. If more than one single (1) lock is on a storage locker door the Owner may remove all locks but one single (1) lock. A charge in the amount as indicated above as #18, may be charged for each lock removed, and Owner shall decide which single lock shall remain on the storage space. Occupant shall not provide Owner or Owner's agents or employees with a key and/or combination to Occupant's lock. In the event such locks or security devices are rendered ineffective for their intended purpose from any cause, or the space is rendered insecure in any manner, Owner may, at its sole option, take whatever measures deemed reasonably necessary by Owner to re-secure the access to Occupant's space. Owner is not responsible for taking any measures whatsoever, nor for notifying Occupant that access to the space has become insecure. The fact that Owner has taken measures to re-secure the access to Occupant's space under this Section shall not alter the limitations upon Owner's liability set forth in Section 12. RELEASE OF OWNER'S LIABILITY, of this agreement, nor shall such measures be deemed conversion of Occupant's stored property.

§15. USE OF ELECTRIC POWER: Occupant shall not use the electric light, if provided, for any use other than a light fixture, and only during times that the occupant is present. If the electric light is left on a charge in the amount as indicated above as #19, shall be charged each day to the occupant. Occupant shall obtain written permission from Owner before connection to and/or using any electrical device which is connected to the facilities electrical power.

§16. NOTICES [CHANGE IN TERMS / CHANGE OF ADDRESS]: All notices required or permitted by law, or by this agreement, may be personally served or sent to Occupant at any of the addresses given by Occupant above, and shall be effective upon mailing if sent by mail except as otherwise provided by law. In the event that any of the addresses given above change, such change shall not be binding upon Owner unless Occupant has given Owner written notification of the change, and Owner had acknowledged its receipt in writing.

§17. LIENS: Occupant's stored property will be subject to a claim of lien for unpaid rent and other charges and may be sold to satisfy the lien if the rent or other charges due remain unpaid for fourteen (14) consecutive days. This lien and its enforcement are authorized by Chapter 10 (commencing with Section 21700) of the California Business and Professions Code. If preliminary lien notices and/or subsequent notices are sent to enforce the lien, Occupant agrees to pay Owner a fee in the amount as indicated above as #20, for each notice sent to Occupant to enforce Owner lien to cover Owner's costs in preparing and mailing each notice. In addition, Occupant agrees to reimburse Owner for all costs incurred by Owner in enforcing the lien, including, but not limited to cost of removing locks, cost of inventory of stored property, reasonable storage costs pending sale and other costs as may be provided by law. Any such costs shall be included in the amount of the lien. In event of satisfaction of the lien prior to sale, Owner shall have three (3) working days thereafter to release property which may have been moved or re-secured during enforcement of the lien and such satisfaction of lien shall be paid by cash, cashier's check or money order.

§18. CONTRACT FEE: A non-refundable fee in the amount indicated above as #10 is charged for each new rental contract.

§19. NO ORAL AGREEMENTS: This rental agreement contains the entire agreement between Owner and Occupant, and no oral agreement shall be of any effect whatsoever. Occupant agrees that

LEASE

(RESIDENTIAL)

CALIFORNIA REAL ESTATE ASSOCIATION STANDARD FORM
THIS IS INTENDED TO BE A LEGALLY BINDING AGREEMENT—READ IT CAREFULLY

Menlo Park, California
April 17, 1987

and Kevin Poulsen, Tenant, agree as follows:

1. Landlord leases to Tenant and Tenant hires from Landlord those premises described as:
part of 1095 Pine St #5 Menlo Park CA

together with the following furniture and fixtures:

(Insert "as shown on Exhibit A attached hereto" and attach the exhibit if the list is extensive.)

2. The term of this lease shall be one year monthly (years/months) with 30 day notice.
commencing May 1, 1987 and terminating May 1, 1988.

3. Tenant is to pay rent as follows: \$ a month in advance, on or before the first day of the month

The rent shall be paid at _____
or at any address designated by the Landlord in writing.

4. Tenant agrees to pay upon execution of this lease, in addition to rent, a refundable non-refundable cleaning charge of \$ 100.00. If refundable, such charge shall be refunded only if the premises are left thoroughly clean by Tenant upon termination of occupancy.

Tenant also agrees to pay upon execution of this lease, in addition to rent, a security deposit of \$ 425.00. Said deposit will be returned to Tenant by Landlord or his successors upon full performance of the terms of this lease.

5. Tenant agrees to pay for all utilities except garbage collection

which shall be paid for by Landlord.

Gardening and _____

to be at the expense of Tenant

6. Tenant has examined the premises and all furniture and fixtures contained therein, and accepts the same as being clean and in good order, condition and repair, with the following exceptions:

7. The premises are rented for use only as a residence for a single family and for not more than 1 adults and 0 children.

No animal or pet ~~susceptible~~ shall be kept on the premises without Landlord's prior written consent.

8. Tenant shall not disturb, annoy, endanger or inconvenience other tenants of the building or neighbors, nor use the premises for any immoral or unlawful purposes, nor violate any law or ordinance, nor commit waste or nuisance upon or about the premises.

9. Tenant shall obey the Rules and Regulations for the property attached hereto.

10. Tenant shall keep the premises rented for his exclusive use in good order and condition and pay for any repairs caused by his negligence or misuse or that of his invitees. Landlord shall maintain any other parts of the property and pay for repairs not caused by Tenant's negligence or misuse or that of his invitees.

11. Tenant shall not paint nor make alterations of the property without Landlord's prior written consent.

12. This lease will terminate if the premises become uninhabitable because of dilapidation, condemnation, fire or other casualty for more than 30 days. Rent will be reduced proportionately if the premises are uninhabitable for any shorter period.

13. With Tenant's permission, which shall not unreasonably be withheld, Landlord or his agent shall be permitted to enter to make repairs, and to show the premises to prospective tenants or purchasers. In an emergency, Landlord or his agent may enter the premises without securing prior permission from Tenant, but shall give Tenant notice of such entry immediately thereafter.

14. Tenant shall not let or sublet all or any part of the premises nor assign this lease or any interest in it without the prior written consent of Landlord.

15. If Tenant abandons or vacates the premises, Landlord may at his option terminate this lease, re-enter the premises and remove all property.

16. The prevailing party may recover from the other party his costs and attorney fees of any action brought by either party to enforce any terms of this lease or recover possession of the premises.

17. Either party may terminate this lease in the event of a violation of any provision of this lease by the other party.

18. Time is of the essence. The waiver by Landlord of any breach shall not be construed to be a continuing waiver of any subsequent breach.

Mark Lottor
Landlord

Ken Penn
Tenant

Landlord

Tenant

SELF SERVICE STORAGE LEASE ADDENDUM

TENANTS STORE GOODS AT THEIR OWN RISK

1. I understand that the lessor is a landlord renting space for the tenants self service use and is not a bailor or warehouseman in the business of storing goods for hire.
2. I hereby acknowledge that I have received a copy of the completed rental agreement and that I understand the provision that states the lessor is not responsible for loss or damage to property in my storage space.

INSURANCE IS TENANTS RESPONSIBILITY

3. I understand that the lessor does not provide insurance coverage on any personal property in my storage space.
4. I have been given a brochure which explains the optional Customer Storage Insurance that is available.

This is an addendum to, and made part of, a rental contract dated X April 28, 1987.

x John Anderson
TENANT

x April 28, 1987
DATE

Menlo-Atherton Storage
3757 Haven Ave., Menlo Park, CA94025
(415)366-3757

PRELIMINARY LIEN NOTICE

TO OCCUPANT:

Alternate Name:

JOHN ANDERSON
1267 RAVENSWOOD
MENLO PARK CA 94025

You owe and have not paid rent and/or other charges for the use of storage space 01 - 219 at Menlo-Atherton Storage, 3757 Haven Ave. Menlo Park, CA 94025. These charges and fees total \$ 155.50 and have been due for more than 14 days (From the date of this notice your rent is now over 71 days late.)

Rent Due For	Amount Due	Late Charges	Total
<u>10/28 1987</u>	\$ <u>4.00</u>	\$ <u>7.50</u>	\$ <u>11.50</u>
<u>11/28 1987</u>	\$ <u>52.00</u>	\$ <u>7.50</u>	\$ <u>59.50</u>
<u>12/28 1987</u>	\$ <u>52.00</u>	\$ <u>7.50</u>	\$ <u>59.50</u>
			: <u>130.50</u>
Late Notice Fee			\$ 25.00
Other Charge(s)			\$ <u>0.00</u>
Total Now Due			\$ <u>155.50</u>

If this sum is not paid in full within 14 days from the date of this notice your right to use the storage space and/or facility will terminate, you will be denied access, and an owner's lien on any stored property will be imposed.

You may pay this sum and may contact the owner or staff during our normal business office hours which are from 9:00 AM to 5:00 PM each day except for Sunday, Wednesday, & Holidays.

NOTICE DATE: 1/8 1988

Menlo-Atherton, Storage
x Patricia E Doffie Paid Pg 88
noticef2.t

EXHIBIT "B"

EXHIBIT 2

Menlo-Atherton Storage
3757 Haven Ave., Menlo Park, CA94025
(415)366-3757

PRELIMINARY LIEN NOTICE

TO OCCUPANT:

Alternate Name:

JOHN ANDERSON

12830 Jefferson Ave

Redwood City CA 94022

You owe and have ~~not~~ paid rent and/or other charges for the use of storage space 1 - 219 at Menlo-Atherton Storage, 3757 Haven Ave. Menlo Park, CA 94025. These charges and fees total \$ 162. ~~50~~ and have been due for more than 14 days (From the date of this notice your rent is now over ~~48~~ days late.)

Rent Due For	Amount Due	Late Charges	Total
<u>10-28-87</u>	\$ <u>81.00</u>	\$ <u>7.50</u>	\$ <u>88.50</u>
<u>11/28 1988</u>	\$ <u>52.00</u>	\$ <u>7.50</u>	\$ <u>59.50</u>
<u>12/28 1988</u>	\$ <u>52.00</u>	\$ <u>7.50</u>	\$ <u>59.50</u>
<u>1/28 1989</u>	\$ <u>.. .</u>	\$ <u>.. .</u>	\$ <u>.. .</u>
<u>1/28 1989</u>	\$ <u>.. .</u>	\$ <u>.. .</u>	\$ <u>.. .</u>
<u>1/28 1989</u>	\$ <u>.. .</u>	\$ <u>.. .</u>	\$ <u>.. .</u>
<u>Sub Total</u>			\$ <u>207.50</u>
<u>Late Notice Fee</u>			\$ <u>25.00</u>
<u>Other Chars</u>	<u>PAYMENT 70.00</u>		\$ <u><70.00></u>
<u>Total Now Due</u>			\$ <u>162.50</u>

If this sum is not paid in full within 14 days from the date of this notice your right to use the storage space and/or facility will terminate, you will be denied access, and an owner's lien on any stored property will be imposed.

You may pay this sum and may contact the owner or staff during our normal business office hours which are from 9:00 AM to 5:00 PM each day except for Sunday, Wednesday, & Holidays.

NOTICE DATE: 2/2 1988

Menlo-Atherton, Storage

x Patricia Dibbie

noticef2.t

second notice

EXHIBIT "C"

EXHIBIT 3

ORIGINAL
FILED

APR 8 1990

1 WILLIAM T. McGIVERN, Jr.
2 United States Attorney
3 FLOY DAWSON
4 Chief, Criminal Division
5 ROBERT K. CROWE
6 Assistant United States Attorney

7 280 South First Street, Suite 371
8 San Jose, California 95113-3081
9 Telephone: (408) 291-7221

10 Attorneys for Plaintiff

11 IN THE UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,) No. CR 89-20123 WAI
14 Plaintiff,)
15 v.) DECLARATION OF
16) LARRY TYSON
17)
18 ROBERT GILLIGAN and)
19 MARK K. LOTTOR,)
20 Defendants.)
21 _____)

22 I, Larry Tyson, declare under penalty of perjury that:

23 1. I am the operator of the Menlo/Atherton storage
24 facility at 3757 Haven Street, Menlo Park, California. The
25 storage facility rents storage lockers to individuals or
26 businesses. I have been the operator of this business for three
and a half years.

27 2. When the facility rents a storage locker, it enters
28 into a rental agreement with the renter. On or about April 28,
29 1987, the storage facility entered into a rental agreement with
30 "John Anderson" for space no. 219 in building one. A true and
correct copy of this agreement is attached hereto as Exhibit A.

31 DECLARATION OF LARRY TYSON

1

1 This agreement was in effect from the date of its execution
2 through on or about February 8, 1988.
3

4 3. On or about January 8, 1988, the storage facility
5 sent a "Preliminary Lien Notice" to "John Anderson" at the address
6 on the lease agreement, stating that the rent for the storage
7 locker was long overdue and that unless the rent was paid in full
8 within fourteen days, the facility would assert a lien on any
9 property stored in the locker. A true and correct copy of this
10 "Preliminary Lien Notice" is attached hereto as Exhibit B. This
11 notice stated that the rent for the storage locker was 71 days
12 late. On or about February 2, 1988, a partial payment was made on
13 the overdue rent for the storage locker. However, over half of
14 the overdue rent remained unpaid.

15 4. On or about February 2, 1988, the storage facility
16 sent a second "Preliminary Lien Notice" to "John Anderson", a true
17 and correct copy of which is attached hereto as Exhibit C. This
18 notice stated that the rent for the storage locker was 98 days
19 late.

20 5. On or about February 8, 1988, I entered storage locker
21 no. 219 of building one, in order to assert a lien for unpaid rent
22 on all property in that locker. Inside the locker I saw a large
23 amount of telecommunications equipment and manuals apparently
24 belonging to Pacific Bell Telephone Company. It appeared to me
25 that the property in the storage locker was probably stolen.
26 Consequently, I called the police and moved all of the property
 into a storage locker under my control. In moving the property

DECLARATION OF LARRY TYSON

into a storage locker under my control, I was asserting my lien on the property and preventing the renter of locker no. 219 from exercising any further control over the property.

6. When the police arrived at the storage facility I gave them access to the storage locker in which I had stored all of the property removed from locker 219 in building one. The police stated that the property appeared to be stolen. I intended to cooperate fully with the police investigation and consented to the police taking custody of all of the property, including several computer tapes. I placed no limitation on what the police could do with the property and expected that they would examine the property, return it to its rightful owners and relinquished all of my interest in the property to the property to the police.

DATED: October 9, 1990

Larry Tyson

DECLARATION OF LARRY TYSON

MIRANDA WARNING

You have the right to remain silent.
Anything you say can and will be used against you in a court of law.
You have the right to talk to a lawyer and have him present with you while you are being questioned.
If you cannot afford to hire a lawyer one will be appointed to represent you before any questioning, if you wish one.
Do you understand each of these rights I have explained to you?

Answer:

B. Having these rights in mind do you wish to talk to us now?

Answer:

Time: _____ Date: _____

Subject's signature _____

Officer's signature _____

CONSENT TO SEARCH

I, Kevin Lee Poulsen, having been informed of my constitutional rights not to have a search made of the location and/or vehicle mentioned below without a search warrant and of my right to refuse to consent to such a search, hereby authorize officer's from the Menlo Park Police Dept. to conduct a complete search of (vehicle description, license # and/or address of house) 1055 Pine ST. R5 M.P. Ca.. This written permission is being given voluntarily and without threats or promises of any kind. (signed) K.L. Poulsen.

Officers's signature Jim Nealy Time: 4:30 Date: 2-12-88

Witness's signature P. Lunn

CITIZEN'S ARREST FORM

I, the undersigned, hereby arrest _____ on a charge of _____ and request that a police officer take the defendant into custody. I agree: 1) that I will sign a complaint against the above named defendant before the judge of the municipal court of the southern judicial district, County of San Mateo, state of California on the earliest day that he has office hours: 2) that I will appear in court on the day the case comes up for plea to give testimony in case the defendant pleads guilty and in case the defendant pleads not guilty. I understand that having started these proceedings, I must follow through as above stated, and if I do not, I may be brought into court by process so that the case may be properly heard and disposed of.

Citizen's signature _____

Officer's signature _____ Time: _____ Date: _____

EXHIBIT C

EXHIBIT 5

1 WILLIAM T. McGIVERN, Jr.
2 United States Attorney
3 FLOY DAWSON
3 Chief, Criminal Division
4 ROBERT K. CROWE
4 Assistant United States Attorney

ORIGINAL
FILED

7.07.17 1990

5 280 South First Street, Suite 371
6 San Jose, California 95113-3081
Telephone: (408) 291-7221

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 Attorneys for Plaintiff

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR 89-20123 WAI
11 Plaintiff,) DECLARATION OF JAMES NEAL
12 v.)
13 ROBERT GILLIGAN and)
14 MARK K. LOTTOR,)
15 Defendants.)

16 I, James Neal, declare as follows:

17 1. I am a Police Officer with the Menlo Park Police
18 Department and have been a police officer for over seventeen
19 years.

20 1. On February 10, 1988, I went to the Menlo Atherton
21 storage facility at 3757 Haven Street, Menlo Park, California, in
22 response to a call regarding stolen property being found in the
23 locker. At the storage facility, the operators of the facility
24 told me that they had entered this particular locker in order to
25 assert a lien on any property in the locker because the rent for
26 the locker was approximately ninety-eight days overdue. A copy of

DECLARATION OF JAMES NEAL

1

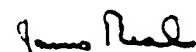
1 the notices of lien sent by the storage facility to "John
2 Anderson" are attached hereto as Exhibits A and B respectively.
3 However, they came back undelivered because the address Poulsen
4 had listed on his storage locker rental agreement did not exist.
5 Among the items over which the facility operators told me they
6 were asserting a lien and intended to dispose of were certain
7 computer tapes. The facility operators stated that they were
8 willing to assist our investigation into the property found in the
9 locker and gave these tapes to us.

10 3. On February 12, 1988, I interviewed Kevin Poulsen
11 regarding certain outstanding traffic citations and warrants and
12 allegedly stolen property recovered from a storage locker rented
13 by Poulsen under an alias. During this interview Poulsen
14 consented to a search of his bedroom and the common areas of his
15 residence at 1055 Pine Street, Apartment 5, Menlo Park,
16 California. He also signed a written Consent To Search form, a
17 copy of which is attached hereto as Exhibit C.

18 4. During our search of 1055 Pine Street, Apartment 5,
19 Menlo Park, California, we observed several computer tapes and
20 told Poulsen that we wanted to take the tapes with us as evidence.
21 Poulsen consented to our taking these tapes.

22 The foregoing is true and correct of my own knowledge and
23 if called as a witness I could testify to these facts.

24 DATED: 10.1.90



JAMES NEAL

26

DECLARATION OF JAMES NEAL

1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that she is an employee of
3 the office of the United States Attorney for the Northern District
4 of California and is a person of such age and discretion to be
5 competent to serve papers. The undersigned further certifies that
6 she caused a copy of:

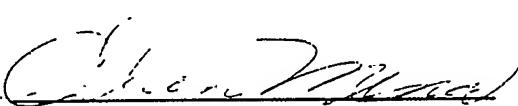
7 CR 89-20123-RMW

8 GOVERNMENT'S RESPONSE TO DEFENDANT'S REQUEST FOR BRADY
9 MATERIAL; GOVERNMENT'S OPPOSITION TO DEFENDANT POULSEN'S MOTION
TO SUPPRESS STATEMENTS AND EVIDENCE; GOVERNMENT'S OPPOSITION
10 TO DEFENDANT'S MOTION FOR SUPPLEMENTAL DISCOVERY; and
DECLARATION OF AUSA CROWE IN SUPPORT OF GOVERNMENT'S
OPPOSITION TO DEFENDANT'S MOTION FOR SUPPLEMENTAL DISCOVERY
11 to be served by FEDERAL EXPRESS MAIL on the person(s) at the
12 place(s) and address(es) stated below, which is the last known
13 address.

14 PAUL B. MELTZER, ESQ.
15 PETER A. LEEMING, ESQ.
LAW OFFICES OF MELTZER & LEEMING
16 340 Soquel Avenue, Suite 212
Santa Cruz, Ca 95062

17 I declare under penalty of perjury under the laws of the
18 State of California that the foregoing is true and correct.

19 Executed this 16th day of November 1992, at San Francisco,
20 California.

21 
22 Eileen Mena
23 Legal Technician

24
25
26

FD-343 (Rev. 12-88) Warrant for Arrest

171L-0741-2ws

United States District Court

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

KEVIN LEE POULSEN

WARRANT FOR ARREST

CASE NUMBER: CR-93-376

To: The United States Marshal
and any Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest KEVIN LEE POULSEN

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

 Indictment Information Complaint Order of court Violation Notice Probation Violation Petitioncharging him or her with ~~any description of offense~~
Conspiracy;

Fraud in Connection with Access Devices;

Computer Fraud;

Mail Fraud;

Money Laundering;

Removal of Property to Prevent Seizure; 371;

Interception of Wire or Electronic Communications; 1029;

Causing an Act to Be Done 1030(a)(4); 2511;

In violation of Title 18 United States Code, Section(s) 1341, 2

A.R.C. 3 29 PM
U.S. MARSHAL'S SERVICE
LOS ANGELES, CALIFORNIA
1957
42323
2

RECEIVED

Leonard A. Bresnan

Name of Issuing Officer

Leonard A. Bresnan

Signature of Issuing Officer

Clerk of Court

Title of Issuing Officer

APRIL 21, 1993 LOS ANGELES, CALIF.

Date and Location

Bail fixed at \$ DETENTIONby MAGISTRATE JUDGE EDWARDS

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

COPY

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

CR - 12 (11/86)

*** TOTAL PAGE .002 ***

Memorandum



To : SAC, LOS ANGELES (139C-LA-127588) Date 7/22/93

From : SA [redacted]

Subject: JUSTIN TANNER PETERSEN,
ETAL
IOC
OO: LOS ANGELES

b6
b7C

On 7/21/93, AUSA [redacted] Los Angeles, telephonically advised that he has faxed a writ to the United States Marshal's office, San Francisco, for the purpose of transporting subject KEVIN POULSEN to Los Angeles for a preliminary hearing scheduled for 8/9/93, at 9:00 am before Magistrate IKE, Los Angeles. POULSEN's trial date in San Francisco is scheduled for 10/25/93, and is anticipated that POULSEN's attorney and United States District Court Judge in San Francisco will concur with the transfer of POULSEN to the Central District.

1 - 139A-LA-335

SEO/ch
(1)

I-SSA [redacted]

mfp

139C-LA-127588-188
gwo (m)

b6
b7C

Memorandum



To : SAC, LOS ANGELES (139C-LA-127588)

Date 8/4/93

From : SA [redacted] (WCC-6)

b6
b7C

Subject: JUSTIN TANNER PETERSEN;

KEVIN POULSEN;

IOC:

OO: LOS ANGELES

During the week of 7/19/93, AUSA [redacted]
Los Angeles, forwarded a writ to the San Francisco Marshal's
office for the purpose of transporting POULSEN to Los Angeles for
arraignment.

On 7/27/93, SA [redacted], San Francisco Division,
advised that AUSA [redacted] San Francisco, had objected to the
transfer of POULSEN to the Central District.

b6
b7C

On 8/2/93, [redacted] stated that after discussing the
matter with [redacted] stated that POULSEN's attorney, [redacted]
[redacted] wanted POULSEN to stay in Northern California for trial
scheduled 10/25/93 and [redacted] concurred with [redacted] decision.

It is believed that POULSEN's trial in Los Angeles will
not be scheduled until sometime in 1/94.

1 -139A-LA-335

SEO/ch
(1)

B9 CLA127588-
189

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 5 1993	
FBI - LOS ANGEL	

SSA [redacted] B
info B

b6
b7C

Memorandum



To : SAC, LOS ANGELES (139C-LA-127588)
(CE-6) (P)

Date 9/1/93

From : SA [redacted]

Subject: JUSTIN PETERSEN,
ET AL;
IOC
OO: LOS ANGELES

On 8/24/93, [redacted] telephonically
contacted SA [redacted] at home at approximately 7:25 p.m. SA [redacted]
[redacted] asked the CW how he/she was able to obtain SA [redacted]
home phone number.

CW explained that SA [redacted] phone number had been
left on the CW's beeper on two occasions that day with the second
page shortly before 7:25 p.m. CW suspected that FBI [redacted]
[redacted] (264A-LA-135087) had illegally accessed a PACIFIC
TELEPHONE Central Office (CO) for the purpose of "hacking" SA [redacted]
[redacted] home phone number. CW added that this [redacted]
[redacted]

b6
b7C
b7D

D - 139C-LA-127588
1 - 264A-LA-135087

SEO/dkd
(2)

139C-LA-127588-190
gmu gmu

BB

Memorandum



To : SAC, LOS ANGELES (139C-LA-127588) Date 9/24/93

From : SA [redacted] (CE-6)

Subject: JUSTIN PETERSEN;
KEVIN POULSEN,
ETAL;
IOC
OO: LOS ANGELES

On 9/24/93, AUSA [redacted] Los Angeles, advised that POULSEN's attorney, [redacted] has recently discussed with him the possibility of a plea agreement. According to [redacted] stated that POULSEN would agree to plea to a total of five years imprisonment.

b6
b7c

FBI and USA's offices in Los Angeles and San Francisco have mutually agreed that POULSEN should plead guilty and serve of a total of seven years imprisonment (three years-San Francisco, four years-Los Angeles) with cooperation. This particular plea agreement has been presented to [redacted]

Trial in San Francisco is currently scheduled for October, 1993. Currently, the possibility of a plea agreement is unresolved until the trial Judge in San Francisco rules on an earlier suppression hearing.

[Signature]

2 - Los Angeles

SEO/ch
(2)

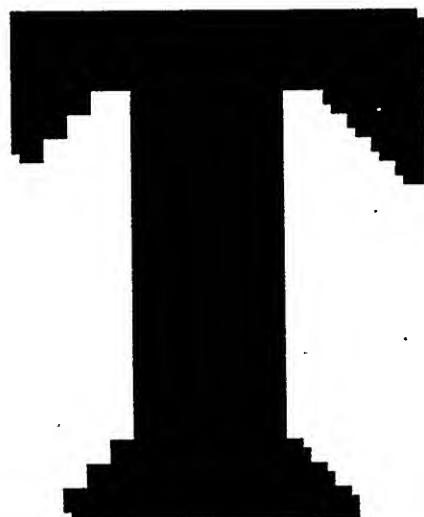
139C-LA-127588-
gus 9-1993

[Signature]

the last hacker

He Called Himself Dark Dante. Compulsion Led Him to Computer Secrets and the Bar of Justice.

By Jonathan Littman



oday is the day!" squealed disc jockey Rick Dees. "This is song number one, 'Escapade,' by Janet Jackson. If it is followed by 'Love Shack' by the B-52's and 'Kiss' by Prince, you could be caller number 102 and win a brand new \$50,000 Porsche!"

KIIS-FM called it "Win a Porsche by Friday": eight Porsches—about \$400,000 worth of steel, leather and status—given away, one a week. You could hardly live or work in Los Angeles without being caught up in the frenzy. It seemed that the gleaming, candy-red convertibles were plastered on nearly every billboard and bus in town. Listeners were glued to KIIS, hoping to make the 102nd call after Dees spun the third song in the magical series.

Housewives, businessmen, students and contest freaks jammed the lines with their car phones

and auto-dialers. They all had hopes, but one 24-year-old high school dropout had a plan. America's most wanted hacker and his associates sat by their computers and waited. On the morning of June 1, 1990, KIIS played "Escapade," "Love Shack" and then, yes, "Kiss." "We blew out the phone lines," every line was ringing, says Karen Tobin, the station's promotional director. "We picked up the calls and counted."

The hacker was counting, too. At the precise moment Prince's "Kiss" hit the air, he seized control of the station's 25 phone lines, blocking out all calls but his own. Then the man, who identified himself as Michael B. Peters, calmly dialed the 102nd call and won a Porsche 944 S2.

It was child's play. Especially for Kevin Lee Poulsen. Computer

hacking had once seemed an innocent obsession to Poulsen, a native of Pasadena, but now it was his life, and it had taken him over the line. This October, Poulsen will face the first of two trials, one in San Jose and another in Los Angeles, that federal prosecutors say are critical to the government. Because of the seriousness of his alleged breaches of national security, they intend to use the cases as an example to the hacker underground.

As a teen-ager, Poulsen had burrowed deep into the giant switching networks of Pacific Bell, exploring and exploiting nearly every element of its powerful computers, from the common systems responsible for creating, changing and maintaining phone service to



the shadow systems that guard secrets of national security, according to accusations in a federal indictment. The U.S. attorney in San Jose says that Poulsen had wiretapped the intimate phone calls of a Hollywood starlet, allegedly conspired to steal classified military orders, and reportedly uncovered unpublished telephone numbers for the Soviet Consulate in San Francisco.

That much the federal government knew even before charging him in the KIIS scam. And evidence was emerging that the hacker had the capacity to compromise undercover wiretaps and front businesses of the FBI itself.

Even as Poulsen honed his craft, the computer subculture he belonged to was spreading its electronic roots. Hackers were evolving into cyber-punks: a hybrid of cybernetics, the science of machines controlling brain and body, and common punks. Coined by science-fiction master William Gibson, the word signified the emergence of a new, rebel culture tripping on high-tech tools and thumbing its nose at the system. There was a time when *hacker* meant nothing more than joy riding a computer or phone system out of curiosity. But Poulsen, accused of cracking systems for profit and power, gave the word a new and notorious definition.

To many admirers, Kevin Poulsen was simply a particularly uppity cyberpunk creatively "surfing the edges" of the cyberspace envelope and unjustly receiving the wrath of the Data Cops. Poulsen, his supporters said, was the True Disciple of the first commandment of cyberpunk: "Information wants to be free," and, like his predecessors, he bent the limits imposed by Ma Bell and the law.

To the feds, that image didn't match reality. Kevin Poulsen's obsessive assaults on the hidden secrets of computers took him

Poulsen added a darker meaning to the word *hacker*.

further than any hacker had gone before. Poulsen was proof of the dark side of cyberspace, and the authorities made him one of the first hackers to be charged with espionage. Cyberspace was put on notice. Indicted in November, 1989, by a San Jose federal grand jury on charges of penetrating government and phone company computers, Poulsen faces charges that could land him 37 years in jail. And the 19-count Los Angeles indictment accuses him of conspiracy, fraud, wiretapping and money laundering in connection with the KIIS scam. "Kevin didn't just defraud radio stations, compromise Pacific Bell and listen to other people's conversations," says Assistant U.S. Atty. David Schindler, referring to the second case, in Los Angeles. "He compromised law enforcement operations and systems which have a tremendous risk. That's something we take very seriously."

He had been a brilliant teen-age hacker, celebrated for high-security intrusions reminiscent of "WarGames," the hallmark movie of his culture. Even fellow hackers were impressed. "There's nobody that's on Kevin's level," says one intimately familiar with his intrusions. "Kevin is extremely good at software and brave at taking chances. Kevin was a 24-hour-a-day hacker."

So good was Poulsen at cracking clandestine government and military systems that the defense industry anointed him with a security clearance and brought him inside to test its own security. By day, Poulsen hacked to protect government secrets. By night, federal prosecutors say, he became a high-tech werewolf, a hacker whose incessant intrusions were increasingly criminal.

By the fall of 1989, as the San Jose grand jury prepared its indictment, Poulsen had slipped into a futuristic world in which he created new aliases at will. Even his closest associates didn't know where he lived. At first there were the simple schemes, like the radio giveaway—quick, easy money. But increasingly, Poulsen sharpened his skills, drawn toward the most critical secrets of the government.

KEVIN POULSEN, LIKE MANY OTHER SHY, GIFTED CHILDREN OF HIS GENERATION, looked for human contact through the telephone. "I met him on a party line," says Sean Randol of her teen-age friend. "We just started talking."

On the jammed L.A. free phone-chat lines of the late 1970s, the pair talked about their favorite books, the works of J.R.R. Tolkien and other tales of heroic fantasy. "He was intellectual, he carried a conversation," recalls Randol. "He was one of the first kids my age I could talk to." The two 13-year-olds swapped numbers, and after a week of nearly nonstop

Jonathan Littman is the author of "Once Upon a Time in Computerland." Cyberpunks can reach him on the Internet at jlittman@well.sf.ca.us.

phone chat, Poulsen asked if he could come over.

He wasn't quite so dashing in person. Though he was clearly bright—he claimed an IQ in the high 140s—"he was very thin, he had braces, he wore pants way too short," Randol recalls. He wouldn't even look her in the eye. After 10 minutes of nervous small talk on the lawn of her mother's North Hollywood apartment, Poulsen pedaled away on his bicycle. He phoned a few minutes later. Says Randol: "We went back to our more comfortable behavior."

Poulsen had little contact with his adoptive father and stepmother. "They were in their late 40s, they almost seemed like a farm couple, and he was interested in things that were completely beyond them," says Randol. "They bought him a TRS-80 [computer] but they knew absolutely nothing about what he was doing with it."

Over the years, Poulsen and Randol would talk hundreds of hours on the phone. They also met at phone-chat parties, another strange phenomenon of the 1970s. The impromptu gatherings were often held at a pizza parlor on the corner of Van Nuys and Ventura boulevards. Many of the party-goers were blind young men in their 20s who called the chat lines to find friendship and, perhaps, romance. The rest, says Randol, "were generally either geeks with pencil holders in their shirt pockets or fat girls."

This wasn't just another group of pimply misfits. Along with phone chatters like Randol were serious "phone phreaks," who do to phone systems what hackers do to computers. Some of the phreaks wore stolen phone company hard hats. Others showed off telephone test sets (used by linemen to listen to service), demonstrated black boxes (devices that can make free long-distance phone calls) and bartered swiped bank and phone company credit card numbers.

Randol didn't share Poulsen's attraction to the hard-core phreaks and



The hacker at 17, after police took his computer.

hackers, but she did share something fundamental with him. She didn't like to go to school. Poulsen found a school where he could do what he wanted—"more of a hippie school," says Simcha Saul, who taught Poulsen math at Valley Alternative Magnet in Van Nuys. "We encouraged kids to make decisions on their own." Poulsen often chose to spend his school days playing the fantasy game Dungeon & Dragons. "I couldn't play with them after a while," recalls Saul, the school's Dungeons & Dragons adviser. "They invented their own rules."

Class wasn't nearly as exciting. Norah Cunningham taught English at Valley Alternative and remembers Poulsen as an angry, brooding boy. Cunningham told Poulsen to write a story about his feelings, and to her surprise, he turned in a well-written essay. "It was violent, very bloody," the teacher recalls. "Something about blowing up the world."

It was also the only assignment Kevin Poulsen ever completed in Norah Cunningham's English class. In June of 1982, Kevin Poulsen finished the 11th grade at Valley Alternative. He never went back.

KEVIN POULSEN AND HIS ACOLYTE, RONALD AUSTIN, HELPED DEFINE the term *hacker* during the personal computer revolution of the early 1980s. But the two Los Angeles teen-agers were a far cry from the classic hacker ethic explored in Steven Levy's 1984 book "Hackers: Heroes of the Computer Revolution." Levy had focused on the idealistic hackers of the 1950s to the early 1980s: engineers who learned to pick locked doors to explore a university's cloistered giant computers, and innovators like Steven Wozniak of Apple who launched an industry out of a love of machines.

Poulsen and Austin entered the scene at the end of this golden age. The

new hackers weren't brilliant engineers or industry innovators. Many of them hadn't even solved an algebraic equation or kissed a girl. They got their thrills in nosing around without authorization on the Arpanet, the Advanced Research Projects Agency network, a vast Defense Department computer web of military and research centers.

Poulsen, whose computer handle was Dark Dante, had been hacking and phone phreaking for a couple of years at the time he began to joust with Austin. Austin was two years older, but he was the neophyte. Dante delighted in mocking Austin's attempts to follow his forays into distant systems on Arpanet. Armed only with modems and cheap computers, the two youths invaded the network's giant computers, taunting one another by leaving hostile, cryptic electronic notes and clues in the bowels of the machines.

Off-line, Austin was by far the better educated. He had just finished his first three quarters as a physics major at UCLA, and the year before had graduated from Santa Monica High School with a 3.9 grade-point average. Six feet tall, curly-haired and handsome, Austin looked like the quintessential Southern California surfer. Besides a \$150 VIC-20 home computer, he had roller skates, a Frisbee, a tennis racket, all the trappings of a healthy adolescent. And Austin had something else that Poulsen lacked: a girlfriend.

That summer in 1983—Poulsen was 17, Austin, 19—the computer dogfights became an obsession. From early afternoon through the night, they tapped their keyboards and surfed the electronic net. Austin bought and consumed system manuals and soon could deflect all but the most clever of Poulsen's jabs.

Things were hopping on the Arpanet. On Aug. 23, someone accessed the computers at SRI, a Bay Area think tank that works on classified military projects. Less than a week later, Santa Mon-

Betrayed by his friends, he faces trial with few allies.

ica's Rand Corp. was hit. There were electronic break-ins at two East Coast defense contractors' plants, two California research firms, several universities and the Naval Research Laboratory in Washington, D.C. Later, Poulsen and Austin acknowledged responsibility for many of the break-ins to representatives of the L.A. County district attorney.

The hacking, like any other adolescent summer pastime, ended when fall beckoned. On the morning of Sept. 22, 1983, a fleet of sedans pulled up on 2nd Street in Santa Monica. Three investigators from the district attorney's office, two UCLA campus cops and an FBI agent silently moved into position. The suspect was a six-foot-tall white male.

"UCLA Wargames Arrest," blared the first Los Angeles Herald Examiner headline; "Super Computer Caper," trumpeted the second. Austin was arrested, thrown in jail and charged with 14 counts of "malicious access." Convicted on several counts, Austin served less than two months in custody. Meanwhile, another swarm of cops descended on the Poulsen house in North Hollywood, but Dark Dante was lucky. As a 17-year-old juvenile, he was never brought up on criminal charges. Only his \$200 Radio Shack computer was seized.

"DEDICATED TO THE PEACE AND PROSPERITY OF MANKIND," READ THE stone monument at the entrance to the sea of two-story, brick-and-glass 1950s buildings. The sign in front of the security desk was more up Kevin Poulsen's alley: "In accordance with Department of Defense contractual requirements . . . personal articles . . . briefcases, handbags, packages, etc., are subject to inspection."

Dark Dante was going to hacker heaven. SRI International, whose initials once stood for Stanford Research Institute, but now, says a representative, "stand for nothing," is a private-sector think tank and research center that sprawls across 70 acres in Menlo Park, only a few minutes from Stanford. Exactly what SRI does is hard to pinpoint. Its annual reports list interests ranging from protecting corporations and governments against computer crime to combatting aircraft sabotage. SRI's international offices span three continents, its achievements include the recent development of a "joint surveillance target attack radar system" and "superconducting microwaves." More intriguing is what the annual report doesn't say: It contains not a word about the highly classified work that intelligence sources say SRI performs for U.S. intelligence agencies and the military.

SRI may cloak its activities, but there was little doubt about what Dark Dante was going to do for the "Peace and Prosperity of Mankind." SRI knew after the district attorney's investigation that Poulsen already had hacked into its own computers. The punishment it proposed was stunning. The teen-age cyberspace would come aboard in George Orwell's 1984 to teach the military how to safeguard the crown jewels. Poulsen was

soon boasting to friends that SRI was paying him \$35,000 a year.

He moved into a condominium with a co-worker two blocks from the main SRI security gate. SRI contacted the Defense Department and Poulsen was granted a security clearance without a hitch. He served directly under Robert Gilligan, the man responsible for security codes that protect communications between SRI and the military. Poulsen worked with scrambling and tone-generating devices, as well as the latest encryption algorithms, the encoding of secret messages. His boss, Eric Brunner, says "Kevin was sent on military exercises and worked on the Strategic Air Command systems."

Poulsen had smoothly made the transition from underground hacker to government-approved hacker. He still played his games of electronic sorcery, but now he received a paycheck for his hacking, and his efforts were classified—and in the interest of our national security. But for all his success, there were signs that Poulsen did not, perhaps, have the ideal psychological profile for carrying a security clearance.

It all began to fall apart in early 1988 with an unpaid bill for \$162.50. A man named John Anderson was more than a hundred days late paying his rental on a nearby storage facility. The owner of the facility entered the locker, did a double-take and called the cops.

At first, Detective James Neal of the Menlo Park Police Department thought he was looking at a simple case of stolen property. "Then we found locksmith tools, false ID blanks and birth certificates," he says. Neal and two Pacific Bell investigators compiled a detailed inventory. There were 20 boxes of gadgets and gizmos, well over a hundred items: phone company manuals, tools, lock picks and communications equipment.

But what finally brought the picture into focus were a few snapshots found among the cache. One showed a slender young man with near

shoulder-length hair kneeling in front of a telephone company trailer as he picked the lock. Another showed what appeared to be the same young man inside the trailer, curled into a chair in front of a computer terminal, grinning at the camera. The man in the photos was Poulsen.

"Have a seat right here," Neal gestured to Kevin Poulsen in the booking room of the Menlo Park police station on Feb. 12, 1988.

"I guess I'm in big trouble," Poulsen nervously said during the tape-recorded interrogation.

"Well, you've got some warrants. Are you aware of the warrants that you have?"

The warrants were for driving without a license. They gave the detective the opportunity to ask about Poulsen's multiple names, birth certificates, Social Security numbers and addresses. Soon, Neal was asking about a recent burglary at a Pacific Bell facility.

"What kind of ID card did you have to get in there?"

"I had an expired Pacific Bell ID card that I found in the trash can," Poulsen replied.

Plenty of hackers go "dumpster diving," scouring Pacific Bell trash bins for printouts of passwords and old manuals. There's nothing illegal about it. Poulsen, it seemed, had answers to every question. Until, that is, Neal brought up Ron Austin and Poulsen's 1983 brush with the law.

"I was never charged with anything," countered Poulsen.

". . . So you're saying . . . that you have not been involved in that same type of activity that occurred back in '83, '84, when [Austin] was arrested . . ."

"I haven't been continuing that activity at all," insisted Poulsen. ". . . One of the myths . . . is that anything having to do with computers means that I've been doing, like, computer crimes," admonished Poulsen. ". . . Computers are run of the mill. My roommate has a computer, with a line going directly to SRI. That doesn't mean he's breaking into the computer. I just want you to understand that not everything technological is related to your investigation . . ."

A couple of hours later, Neal accompanied Poulsen to his condominium down the street from SRI. Against one wall stood a six-foot-long phone monitoring station. Strewn on the floor or stuffed in the closet were line-testing equipment, trunk test sets, telecommunication panels, terminals, monitors, cables and a switching device. At the same time that he had an SRI security clearance, Poulsen had been pulling nighttime burglaries on Pacific Bell facilities, stealing manuals, passwords, anything that might provide access, the San Jose indictment charged. The handful of books and papers ranged from "How to Buy Stocks" to a copy of "Watchmen," a violent comic book series, to a bright yellow report binder that might have been scribbled by an eighth-grader but for its title, "Burglar Alarm Procedures."

A police photograph taken at the scene showed Poulsen leaning against the door, a sour look on his long face. "I had him sign a copy of what we were taking away," says Neal. "I think he finally realized there wasn't going to be an easy way out."

He had, and soon he was gone, into the underground.

"WANTED" FLASHED ON THE television screen to the accompaniment of an eerie theme. Robert Stack, the host of "Unsolved Mysteries," strode through a large computer facility.

"Inside the labyrinth of the telephone company's computer systems one feels a sense of insignificance," Stack boomed dramatically. "It seems impossible that any single person could jam up these sophisticated works. Yet think of it. All the interactive computers across the country are linked by telephone lines. Both private citizens and classified government operations can be vulnerable to a computer genius run amok."

The screen filled with a photograph of Poulsen's face. By the time the segment aired in October of 1990, Poulsen had been a fugitive from justice for several months, and was beginning to achieve a dark stardom. Evidence enumerated in the indictment shows that Poulsen had become a deft lock-picker, a skilled forger and an accomplished burglar.

The Menlo Park investigation had sparked an FBI probe, and in November, 1989, a San Jose federal grand jury returned a sealed indictment against Poulsen on charges of penetrating military and phone company computer systems.

But the indictment was no secret to Poulsen: He put the slip on FBI agents who pulled up early one morning at his family's home in North Hollywood. Then he let them know just whose game they were playing. The hacker phoned the G-men and taunted them for letting him escape. They traced the call, and then could only shake their heads in wonder. The number tracked not to a home phone or phone booth, but to a circuit buried deep within Pacific Bell.

The San Jose indictment began with a description of the tools employed by Poulsen and his alleged co-conspirators, former SRI employees Robert Gilligan and Mark Lottor: lock picks, powdered graphite, latex surgical gloves, blank keys cut to fit Pacific Bell lock cores, a laminator, blank ID cards for Pac Bell, AT&T and American Express, and a point-of-sale credit card terminal.

Then there were the burglary

"highlights" set forth as accusations in the indictment. On Nov. 21, 1986, it charged, Poulsen broke into a Contra Costa County Pacific Bell office and removed a "Dial Security Access Manual." On Feb. 15, 1987, it said, he struck a larger target, Pacific Bell's main office in the heart of downtown San Francisco, and lifted company ID badges that would give him the run of corporate headquarters.

In September of 1987, Poulsen's activities took a more serious turn, the document charged. He hacked Pacific Bell computers to obtain "unpublished telephone numbers for the Soviet Consulate in San Francisco." On Oct. 30, the document alleged, Gilligan sent Poulsen "via electronic mail, access codes to . . . the United States [Army] Masnet Computer Network." Nineteen days later, the indictment charges, Poulsen illegally obtained plans relating to a secret Army exercise at Ft. Bragg, and between late January and late March, he stole a Pac Bell printout that listed the telephone numbers of the exiled Philippines leader Ferdinand Marcos and others under investigation by the FBI.

The indictment failed to capture more dangerous aspects of Poulsen's hacking. On Aug. 17, 1989, less than two months before he was indicted, Poulsen cracked Pacific Bell computers and learned that federal wiretaps had been placed on Ronald A. Lorenzo and Splash restaurant in Malibu, according to the U.S. attorney's office in Los Angeles. Lorenzo was reputedly a made member of the Bonanno organized crime family.

What did it all mean, and what was next? Thrashing around in FBI investigations of mobsters, snatching secret Soviet numbers? It seemed as if Poulsen's powers were growing, his expanding abilities demanding new challenges. And investigators, it seemed, weren't completely sure how he was doing it. But gifted hackers have shown they can crack phone company computers and, once inside the system, gain the same access as linemen, supervisors and other key employees. They can turn service on or off, listen in, create a conference call.

How deep was his penetration? In September, 1987, the indictment charges, Poulsen listened in on the phone conversations of the very same Pacific Bell security personnel who were trying to foil his trespasses.

That was the story viewed from the outside, but the world Kevin Poulsen lived in was steeped in fantasy. His raids on government and Pacific Bell

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The Last Hacker

Continued from Page 24

computers were part of his continuing search for identity, and the days when it had been enough to cloak himself as Dark Dante were finished. Sometime in 1987, Poulsen established Pacific Bell phone lines in the names of Walter Kovacs and Jon Osterman, the fictional heroes of *Watchmen*, and moved into a parallel world of myth. The *Watchmen* series is revered for the complexity of its characters and the darkness of its vision. Kovacs, for instance, is presented by day as a downtrodden garment worker. At night he dons a mask, a swath of ink-blotted fabric, and becomes Rorschach, a powerful, disturbed vigilante.

It was no accident that Kevin Poulsen adopted these fictional characters and brought them to life as his electronic aliases. Poulsen knew plenty about harboring a past from which there is no escape. It was only after talking to Sean Randol for hundreds of hours, only after professing his love and being rejected time and time again, that Poulsen had finally shared with her his secret, perhaps his deepest.

He told the story without emotion, as if it had happened to someone else. "I was surprised that he told me about his first [adoptive] mother," says Randol. "He had told me before that he was adopted. One day, he and his sister were sent to the neighbors to play with their children. They were both very young. And they had come back [home] and I don't know what she'd done to herself, but she was dead."

"One can only speculate about what motivated Kevin Poulsen," concluded Robert Stack on "Unsolved Mysteries." "But now he is a wanted man, facing up to 37 years in prison. If you have any information regarding Poulsen please contact the FBI or call our toll-free number...."

Somebody or something did. On Oct. 10, 1990, as the NBC show aired, the staff of "Unsolved Mysteries" stood ready to accept tips concerning Poulsen's whereabouts. At 5:10 p.m., they received a phone call. The phones suddenly went dead. All of them.

"It was an interesting coincidence," says Tim Rogan, the segment's producer. Half an hour passed before the staff could get the phones working. The long-distance carrier that supplies the line told the NBC show that it was an accidental "switch" problem.

Says Rogan: "We never got confirmation one way or another that it was him."

IN HIS 17 MONTHS ON THE lam, Kevin Poulsen had narrowly escaped at least once. An L.A. vice squad picked him up in a minor criminal case and released him without checking federal warrants. Then FBI agents got a break. After they learned that Poulsen had been seen at the Hughes market on Van Nuys Boulevard in Sherman Oaks, they dropped off some photos of Poulsen for the employees.

On April 10, 1991, at about 10 p.m., night manager Brian Bridges saw a thin young man in a black leather jacket and Levis wearing round wire-frame glasses. Poulsen had dyed his hair punk blond to change his appearance. Bridges hurriedly called the FBI, but by the time agents arrived, Poulsen was gone. Terry Atchley, a Pacific Bell investigator working the case, had a hunch he might be back.

The next evening, he staked out the market, and sure enough, at about 10 p.m., Poulsen pulled up in his black Pontiac Fiero. Atchley notified the security guard and took up a position at the front door. This time, Hughes market employees weren't going to leave anything to chance. As Poulsen walked down the aisles with his food, two clerks grabbed him and wrestled him to the ground.

Later, after Poulsen was handcuffed, he began to cry. He asked if he could take out his contact lenses and get his glasses from a black bag in his car. FBI agent Richard Beasley agreed, but said he wanted to search the bag first. Hidden in the glasses' case was a handcuff key.

In the Fiero, the FBI found a trove of devices often used in burglaries, as well as telecommunications gadgets that one man associated with the case said put James Bond to shame. The hair, the stunt with the handcuff key and the black tools revealed what the fugitive had become.

But Poulsen wasn't talking about his life in the electronic underground, at least not to the police. On April 14, Poulsen, held in a federal lockup in Los Angeles, phoned his sister and mentioned that the authorities had "my address." She passed the coded message on to Ron Austin, who retrieved Poulsen's powerful Sun Microsystems workstation from a secret location before the FBI could find it, according to the U.S. attorney in San Jose. The code was one of several clever contingency plans Poulsen and his allies had established. Clever except for one detail. The tables had turned on Poulsen, the electronic eavesdropper: This time, the cops were monitoring him.

The fun was coming to an end. Federal agents had convinced another Los Angeles hacker, Justin Tanner Petersen, to work undercover against Poulsen. With his help and the intercepted message from jail, government agents discovered the Sun workstation and its potentially incriminating files stashed—authorities have not said exactly where—in Van Nuys in January, 1992. But Poulsen had learned something from his previous brush with the law. This time the computer's disk was encrypted. It was sent to FBI headquarters in Washington, where it would take months to decode.

Finally, last December, the government filed a superseding indictment in San Jose, dropping a charge in the first indictment that he had compromised an FBI wiretap of Ferdinand Marcos. But the new indictment charged Poulsen with espionage for possession of classified documents. Poulsen's attorney, Paul Meltzer of Santa Cruz, com-

plained that he was being subjected to a 15-year background check to obtain security clearances before he could examine key documents in the case. Meltzer, who has challenged the legality of the searches that led to Poulsen's arrest, believes the San Jose case will be thrown out.

Meanwhile, the Electronic Frontier Foundation, a civil liberties group that assists in the defense of what it considers well-meaning cyberpunks, questioned the Justice Department's use of the espionage statute, which carries a maximum 10-year penalty. "Everything we know about this guy," foundation attorney Mike Godwin told the San Francisco Chronicle, "is that he was hacking around systems for his own purposes, not for espionage."

Those purposes may never be entirely clear, but there is no doubt that he was driven by ego, money and, perhaps most of all, loneliness.

The tenuous friendships he had formed during his hacking days were falling apart: At least four former hackers agreed to testify against Poulsen in return for reduced sentences. There was a certain symmetry in Austin's betrayal of his friend. The first time round, Poulsen, the juvenile, had escaped conviction, while Austin had taken the fall. Now, Austin would trade serious jail time for nailing his teen-age accomplice.

Last April 21, roughly two years to the day after Poulsen was captured, a federal grand jury in Los Angeles delivered a 19-count indictment. Charged with conspiracy, fraud in connection with access devices, interception of wire or electronic communications and money launder-

ing, Kevin Poulsen faced a maximum of 100 years in prison, heaped on top of the potential 37 in the San Jose case, and fines of nearly \$5 million.

Poulsen's alleged burglaries of Pacific Bell facilities were especially prodigious: The U.S. attorney in San Jose says that Poulsen committed more than 40 intrusions while he was working for SRI.

Petersen, who pleaded guilty to transporting a stolen car across state lines, intercepting wire communications and stealing credit information, told investigators how he and Poulsen broke into numerous Pacific Bell buildings and stole the manuals and passwords they needed to crack the computers that hold sensitive secrets about federal investigations.

That vulnerability was of deep concern to worried authorities. Scott Charney, chief of the Justice Department's computer crime unit, warned in an interview that a skilled hacker could compromise the confidentiality of a federal investigation by intruding on federal wiretaps.

That fear was doubly strong in Poulsen's case, since sources close to the government say that as a fugitive Poulsen encountered members of one of the largest organized crime groups in the country, and may have even erased one of his new associates' criminal records. "There is the question of the integrity of law enforcement and justice as a whole," says Schindler, the assistant U.S. attorney prosecuting Poulsen in Los Angeles. "These are things [telephone conversations] the public expect to be confidential."

That was what the government was willing to talk about. But those close to Poulsen's case speculate that the real fear was far more than his intrusion into FBI wiretaps. Pacific Bell also assists in setting up wiretaps for U.S. intelligence agencies. "With his knowledge of wiretaps he could dismantle the National Security [wiretaps] for California," says one source close to the case. Another source frames the political issue: "Pacific Bell does wiretaps for other agencies [than the FBI].

They [the government] may want to hush it up."

IN THE TIME ELAPSED FROM the original November, 1989, indictment to Poulsen's two trials set for this fall, cyberspace has undergone great transformation. While Poulsen was underground, the Secret Service, the FBI and state authorities moved against two of the largest hacker and phreaker rings in the country—the Legion of Doom and the Masters of Deception. In May of 1990, the Secret Service joined forces with the Arizona attorney general's office to seize more than 40 computers in several states, many of them running illicit bulletin boards used to distribute swiped long-distance access codes and credit card numbers.

But the government's credibility took a hit when it was revealed that one hacker it had accused of stealing a "secret" \$79,449 technical manual describing the software for the 911 emergency system had actually pilfered a publicly available \$20 manual. Civil libertarians pounced

on the thin charges in this and other cases. By early this year, the mixed results were in: 35 convictions, with most of the hackers doing little more than a year in prison, and a few just receiving probation, parole and fines. The longest prison sentence was 21 months. The government was having a hard time proving that hacking was hard crime.

It was becoming increasingly clear that Kevin Poulsen was the government's best chance to send a message. Currently being held without bail at Alameda County's Santa Rita Jail, he has already spent more than two years in custody, longer than the prison sentences of the Justice Department's most-celebrated hacker cases. A few months after the Electronic Frontier Foundation had spoken in Poulsen's defense, neither the civil liberties group nor anyone else was putting in a good word in his behalf. And unlike virtually every other hacker who has come before, Poulsen continues to steadfastly refuse to tell his side of the story.

Even his stepmother de-

clares that she has nothing to say. Reached by phone, she says that "Kevin doesn't want us to talk to anybody." Asked about his alleged criminal hacking, she replies: "I don't know anything about that. Kevin is very private. He just never, ever, let us in on anything."

The ultimate hacker, of course, trusts no one, and so perhaps it is not surprising that when Kevin finally meets justice he will truly be alone. Abandoned by fellow hackers, friends and the family he never had, he seems bound to be the first of his kind to face the full brunt of the law. Today, no one has any use for him, not the U.S. military complex, which once exploited his boyhood obsession as a national security advantage, not the cyberspace community, which once saw him as a symbol of freedom in the information age.

Born in a time when hacking was an innocent rite of boyhood, when laws were as unclear as the boundaries of the Arpanet, Kevin Poulsen had outlived his era.

He was the last hacker. —

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/14/93

[redacted] voluntarily appeared at the office of the Federal Bureau of Investigation (FBI), Los Angeles, on October 12, 1993 and October 13, 1993. [redacted] provided the attached documents which [redacted] believes contains information that JUSTIN PETERSEN, also known as (aka) Eric Heinz, is possibly involved in the theft of U.S. mail and the use of fraudulent credit cards.

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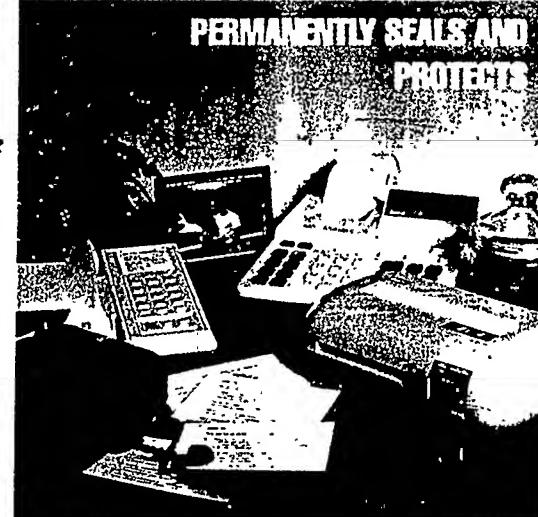


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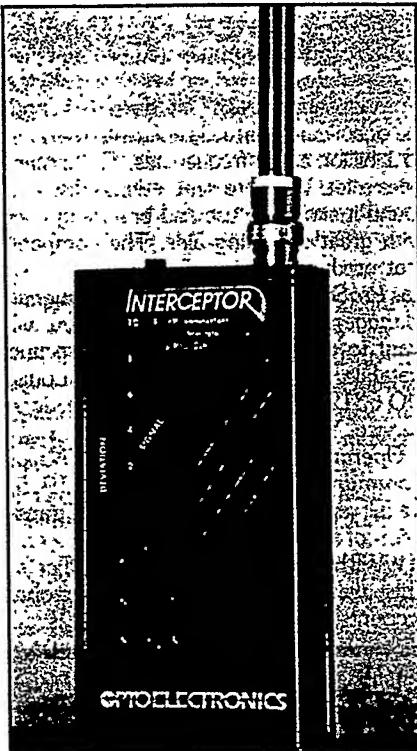
Optoelectronics came up with an interesting handheld device they call the R10 Communications Interceptor. It looks something like a handheld scanner, except with a minimum of controls. You can't program in any frequencies.

When you turn on the R10, it instantly detects and locks in on strong nearby FM signals from 30 MHz to 1,000 MHz (actually to above 2,200 MHz with reduced sensitivity), one at a time. You can hear the signals it picks up via the R10's internal speaker or plug-in earphone. LED's read out the relative signal strength and the FM deviation. Should you wish to dump the signal that the R10 is receiving, press a button and the R10 will look for another nearby strong signal.

This isn't actually a communications receiver in the most traditional sense of the term, although it does perform many of those functions. But you don't need to have any advance knowledge of the frequency/ies you want to monitor. The R10 picks out the signal from any strong ones it happens to be located near, then tunes itself in on that signal. There's nothing to tune, and the R10 will even follow a transmitter that is drifting off frequency. The R10's -40 dbm sensitivity is deliberately intended to detect only strong nearby signals. A squelch or variable sensitivity control on the R10 can further reduce the unit's receiving threshold.

Optoelectronics points out the usefulness of the R10 to radio techs for checking the modulation of transmitters. Check your microwave oven for leaks. A news reporter can show up at a crime, accident, disaster, or other emergency scene and monitor all on-site communications without any prior knowledge of which frequencies are in use.

The R10 can be used to sweep a room for wireless "bugs," or to see if a person is wearing a body transmitter (a "wire"). It can detect if a vehicle has a "bumper beeper" tracking transmitter. It will let a person know if their house is under surveillance by nearby persons using VHF/UHF radios. We wonder if the R10 might be able to reassemble all the message components of a frequency hopping system and make sense of the traffic.



Optoelectronics R10 FM Communications Interceptor.

With a little imagination, you can no doubt think up a dozen other things the R10 can be used to do.

The reason the R10 is deliberately designed to operate in the RF "near field" close to a transmitter is that it couldn't perform most of its jobs if it were more sensitive, especially in an urban area. If the R10 were more sensitive and then locked onto the first strong signal it encountered, it would be instantly paralyzed by an avalanche of FM and TV broadcast carriers, even many two-way dispatchers and paging signals.

Out of curiosity, we tried using the R10 against the manufacturer's instructions. We detached the R10's whip (it has a BNC connector) and hooked the unit to an omnidirectional VHF base station antenna on the roof. The R10 instantly locked on an FM broadcast transmitter two miles away. When the R10's sensitivity was reduced, it still kept

locking up on the local police dispatcher, who is more than a mile away. OK, so Optoelectronics was right. Too much signal defeats the purpose of the R10.

Optoelectronics points out that the operation of the R10 may be skewed to be more responsive at certain frequency bands than others. This can be accomplished by the use of a frequency-tuned whip antenna, and/or a variable gain tunable preselector. For general use, however, the R10 is supplied with a telescoping whip.

Typical reception distances with the R10 using no signal amplification allows for cordless phones to be picked up at 25 ft., 5 watt VHF hand-held transceivers about 200 ft., 5 watt UHF hand-held transceivers about 450 ft., 800 MHz cellular handheld about 50 ft. Observe, however, that the addition of a tuned preamplifier significantly increases these distances. For instance, a tuned preselector would allow reception of the 5 watt VHF and UHF hand-helds for a half-mile, and the cellular handheld at a distance of 1000 ft.

We hooked the R10 to the VHF/UHF whip on the mobile unit and took it out along the Interstate. Had no trouble hearing the celluar in nearby cars as folks drove by chatting. Heard other stuff, too. Discovered signals we never knew existed! The R10 monitors them, but doesn't read out the transmitting frequency.

It comes with rechargeable batteries and a charger. The batteries offer just over four hours of operation before needing a recharge.

The R10 is certainly innovative and interesting. We are constantly discovering all sorts of great new things the R10 can be used for, many of them outrageously sneaky. Obviously, the R10 has an enormous potential in the private security and surveillance field, where it has been welcomed with much enthusiasm. This is really a terrific and unusual gizmo.

R10 comes from the folks at Optoelectronics, 5821 N.E. 14th Avenue, Ft. Lauderdale, FL 33334. For further information about the R10, contact them directly, or circle 102 on our Readers' Service.

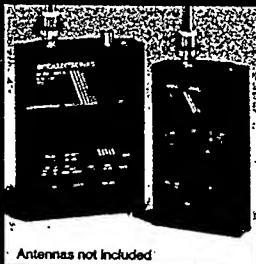
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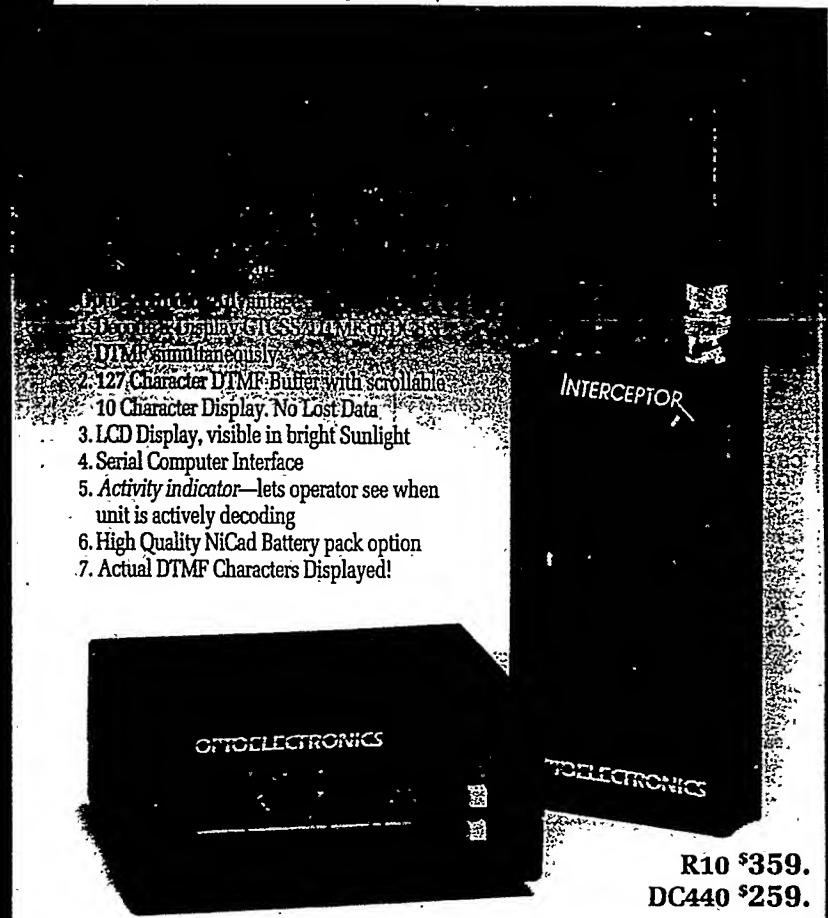
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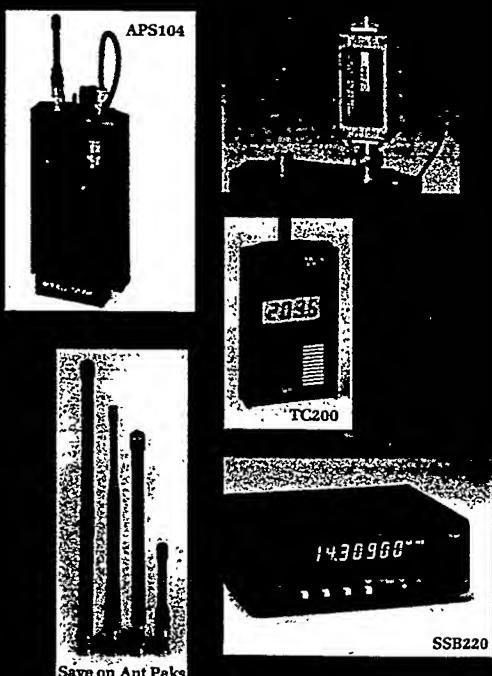
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